THE OFFICE OF AN ENGLISH BISHOP

IN THE FIRST HALF OF THE FOURTEENTH CENTURY

A Thesis presented to the Faculty of Philosophy of the University of Pennsylvania

BY

EDITH KATHERINE LYLE

In Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

1903

3781
P41L
UNCLASSED
DISSERTATION

STANFORD UNIVERSITY LIBRARIES
LIBRARY

THE OFFICE OF AN ENGLISH BISHOP

IN THE FIRST HALF OF THE FOURTEENTH CENTURY

A Thesis presented to the Faculty of Philosophy of the University of Pennsylvania

BY

EDITH KATHERINE LYLE

In Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

1903

LIBRARY
BLANCHESTER, OHIO
PUBLIC

140792

LIBRARY
UNIVERSITY

TABLE OF CONTENTS.

CHAPTER I.

PAGE.

PROVISION FOR CURE OF SOULS.

Introduction - - - - - - 1
Diocesan Organization - - - - 4
Coercive Power of the Bishop - - - 9
Institution - - - - - - 11
Qualification of Candidates - - - 12
Exchanges - - - - - - 15
Papal Provisions - - - - - 15
Induction - - - - - - 17
Election of Deans and Priors - - - 19
Non-residence - - - - - - 20
Coadjutors - - - - - - 23

CHAPTER II.

DIOCESAN SUPERVISION.

Supervision of Property
Cathedrals - - - - - - 24
Appropriations - - - - - 26
General Mandates - - - - - 27
Monasteries - - - - - - 29
Supervision of Conduct
Laity - - - - - - - 31
Clergy - - - - - - 32
Visitation
Amount - - - - - - 33
Procurations - - - - - 37
Method - - - - - - 38
Archdeacon's Visitation - - - - 41
Visitation of Cathedrals and Monasteries - 43

CHAPTER III.

COLLECTION OF REVENUE.

Peter's Pence - - - - - - 49
First Fruits - - - - - - 50

Papal Tenths - - - - - - 51
Procurations of Legates - - - - 54
Royal Tenths - - - - - - 56
Synodals - - - - - - 59
Pentecostals - - - - - - 60
Special Diocesan Taxes - - - - 61

CHAPTER IV.

JUDICIAL AND LEGISLATIVE WORK.

Statutes - - - - - - 63
Synod - - - - - - 64
Convocation - - - - - - 65
Organization of the Ecclesiastical Courts
Forum Internum - - - - - 66
Organization of the Consistory - - - 70
The Official - - - - - 71
Advocates and Proctors - - - - 72
Other Officers - - - - - 75
Judges *ad hoc* - - - - - - 77
Bishops as Judges - - - - - 79
Archdeacon's Court - - - - 81
Exempt Jurisdictions - - - - 83
Competence of the Ecclesiastical Courts
Suits Concerning Church Property and Payments 86
Matrimonial and Testamentary Suits - - 87
Assault, Violation of Sanctuary, etcetera - 89
Felony - - - - - - 92
Debt - - - - - - - 93

CHAPTER V.

PROCEDURE IN THE ECCLESIASTICAL COURTS.

Law Administered - - - - - 96
Civil Procedure - - - - - 97
Purgation - - - - - - 98
Inquisition - - - - - - 103
Punishments
Penance - - - - - - 103
Deprivation - - - - - - 106
Indulgences - - - - - - 107

Appeal
Extra-Judicial - - - - - 110
Judicial - - - - - - 111
Archiepiscopal Encroachment - - - 113

CHAPTER VI.

Powers Pertaining to the Episcopal Order.
Assistants - - - - - - 116
Confirming - - - - - - 117
Ordaining - - - - - - 118
Dedicating and Consecrating - - - 124
Reconciling - - - - - - 125
Conclusion - - - - - - 127

Bibliography - - - - - - 129

Digitized by the Internet Archive
in 2025

https://archive.org/details/officeofenglishb0000edit

CHAPTER I.

PROVISION FOR CURE OF SOULS.

The English mediaeval bishops entered into the life of their time in a greater number of ways than did any other class of men. To give with completeness the biography of any one of them would bring into the account not only all the ecclesiastical relations which concerned the bishopric, involving the papacy at one end of the scale and the humblest inhabitant of the diocese at the other, but also all the activity, judicial, economic, and political of a feudal lord, and in very many cases the work of a royal official or statesman. This study will consider only the diocesan work of the bishop, but much regarding his manner of performing it is explained by the fact that he had other and important interests. It is a modern, not a mediaeval point of view, which regards the bishop chiefly as an ecclesiastic. To all duties connected with his office the mediaeval bishop gave his attention, but where he chose to place the emphasis depended upon his personal taste and upon his previous career.

There were bishops in England at all times during the Middle Ages, of whom Grandisson of Exeter may be taken as an example, who were by inclination interested almost wholly in ecclesiastical matters and owed their promotion to the ability they had previously displayed as prior, canon, or in some other church office. Excused from attending parliament whenever possible, they desired no part in the strife of parties and political life of

the country, but devoted their energy to perfecting the organization and advancing the power of the church. On the other hand, there were bishops in England at all times during the Middle Ages who were first and foremost statesmen or crown officials, owing their promotion to the services they had rendered their king, and by whom a bishopric was looked upon as an estate. Inasmuch as the king could most easily pay his servants by having ecclesiastical preferment conferred upon them, men came into possession of church livings who never resided upon them or felt any interest in the spiritual offices attached to them. Bishop Sandale, for instance, who had been for a number of years in the service of the state, held, when elevated to the see of Winchester in 1316, two cathedral dignities, eight prebendal stalls and ten rectories, and had been in minor orders until within four years of that time.[1]

Between these two extremes, dividing their time between their diocese and their king, were to be found the majority of the English bishops of the first half of the fourteenth century. Bishop Grosseteste (1235–1253) had protested vigorously against ecclesiastics occupying themselves with temporal affairs,[2] but his voice was not heeded for his attitude was contrary to the accepted ideas of his time. The king still depended upon the clergy in large part for his trained officials. A lay chancellor was appointed for the first time in 1340, but after five years' trial, the king went back to ecclesiastics. While they were not necessarily bishops, still, for fifty years between 1300 and 1370 the Great Seal was held by a bishop.[3] Bishop Stapeldon of Exeter was a conscien-

[1] Sandale's *Reg.*, p. XXXII; *Papal Letters*, II.27.

[2] Grosseteste's *Letters*, 205.

[3] Campbell, *Lives of the Chancellors*, I.157–228.

tious and efficient ruler of his diocese and at the same time devoted himself so thoroughly to the interests of Edward II. that in 1326 he lost his life at the hands of a London mob.

His powers and duties as a feudal lord no bishop could escape if he would. The bishopric of Winchester possessed over fifty manors, Exeter had twenty-four, Worcester twenty-two, and every bishopric possessed a considerable number. These the bishop was compelled to keep from depreciating in value, for at his death juries examined into their condition and the executors of his will were compelled to pay the incoming bishop for all dilapidations.[1] He managed his manors and manorial courts through bailiffs and stewards like any temporal lord, but he himself journeyed from one to another and personally examined into their condition. On most of them the halls were kept ready to receive him and the numerous retinue that traveled with him. This, quite as much as his spiritual duties, compelled him to lead the itinerant life which was so conspicuous a characteristic of the mediaeval bishop. Unless prevented by sickness or old age, he was constantly moving about. Bishop Stapeldon's register, for example, gives an annual average of about fifty places at which documents were signed between the years 1308 and 1323.

The authority possessed by a bishop wherewith to carry on his ecclesiastical work was derived from two sources, and the distinction between them was sharply drawn by the Church. Certain powers belonged to him as a member of the episcopal order, but the greater number belonged to him as ruler of a definite ecclesiastical area, the diocese. The mediaeval church has often

[1] These amounts were sometimes very large. Bishop Wykeham's executors paid £2903. Sandale's *Reg.*, 630.

been likened to a state and the comparison is, in a sense, as applicable to the governmental unit, the bishopric, as to the church as a whole. In every diocese, for very many purposes, a large number of people and a large amount of property, and for some purposes all the people and all the property were subject to a body of law, a judicial procedure and a system of taxation operated independently of the civil power and under the control of the bishop. He "administered whole sides of life which have since been put into the hands of the secular government, or left to the discretion of the individual." In a real sense he was governor, judge, and lawgiver, and it will be conducive to clearness to discuss separately the duties he was called upon to perform in each capacity.

Diocesan Organization.—As it was not uncommon for mediaeval bishops to live for a considerable part of the year outside their dioceses, much of the administrative work was necessarily carried on by assistants of some kind. In part, such officials were supplied by the ecclesiastical organization, in part, created by the bishop at his own pleasure.

First, in point of dignity, came the cathedral chapter. The essential characteristic which made it a chapter has been stated to be its office as council for the bishop.[1] In such case, by the fourteenth century the original justification for its existence had in large measure disappeared. There is little indication that the bishop consulted it, as a chapter, except when his acts would not otherwise be legal.[2] Two causes contributed to such a result. In the first place, non-residence had by that time become so

[1] Benson, *The Cathedral*, 52–55.

[2] c. 8, 9, X. III. X. He could not alienate church property without their consent, see *post* p. 26.

general among the canons that the old chapter life had largely passed away. Chapters seldom met, even for their own affairs. The majority of the canons were absorbed in their own business and concerned themselves little with the common interests of the church.[1] Again, chapter and bishop regarded each other with jealousy. In many cases long standing disputes concerning rights of jurisdiction helped to cause the strained relations between them. The lack of cooperation was particularly marked where the canons were regulars. "It was natural and customary," according to William de Dene, "for the monks of Rochester to annoy and slander their well deserving bishops, who were always compelled to have a staff ready to defend themselves against the monks."[2]

The most important administrative official of the bishop was the archdeacon, called in the Decretals *oculus episcopi*.[3] Every bishopric was divided into archdeaconries, varying in number according to its size, so that any archdeacon exercised authority only over a certain, well defined section of a diocese. He was appointed by the bishop, but was inducted into office as if into a benefice and accordingly could appeal to the archbishop if removed for insufficient reasons, just as a rector could appeal when deprived of his benefice.[4] Appointed, originally, as a mere assistant, he gradually came to have an independent position and looked upon his customary

---

[1] Capes, *English Church*, 242, 243.

[2] *Hist. Roffensis* in Wharton, *Anglia Sacra*, I. 370.

[3] c, 7, X. I. XXIII.

[4] *Reg. Pal. Dun.*, 156, 303; Drokensford's *Reg.*, 25. "Ainsi l'archidiacre est un vicaire que l' évêque nomme mais qu'il ne peut révoquer." (Fournier, *Les officialités*, p. xxx.)

duties as rights which the bishop could not take away.[1] In this way, in some places, particularly in France, he gradually encroached upon the bishop's powers until he seriously curtailed his jurisdiction, rivalling and even surpassing him in power and authority.[2] In England, the archdeacons of Richmond and Chester possessed all the jurisdictional rights of a bishop and governed their archdeaconries without interference except to be visited *temporibus opportunis*.[3] With these two exceptions, the English archdeacons seem to have occupied a subordinate position. There is an instance in Bishop Grandisson's reigster of an archdeacon refusing to execute his mandate, and the summary manner in which he was brought to terms indicates fairly well the relative positions of the two in that diocese. The archdeacon of Exeter, *Deum non habens pre oculis*, assumed that defiant attitude, but Grandisson straightway excommunicated him for breaking his oath of obedience, and sequestered all the revenues of the archdeaconry, at the same time citing him to appear before him to answer for his contumacy. Ten days later the archdeacon received absolution *in omnibus humiliter et reverenter se submittentum*.[4] Founded entirely upon custom, not only were the archdeacon's duties different in every diocese, but they varied in the

[1] The best general account of the archdeacon is by M. Adrien Gréa, "Essai historique sur les archidiacres" in *Bibliothèque de l' École des Chartes* (1851) pp. 39–67, 215–247.

The archdeacon of Wells appealed to the archbishop because he was not allowed to collect Peter's Pence "although from olden time it pertained to the official of the archdeacon of Wells to collect the pence of the Blessed Peter." Shrewsbury's *Reg.*, 310.

[2] Gréa, Essai, 216–230.

[3] Raine, *Historians of York*, III. 248–250; Dansey, *Rural Deans*, I. 120, 121.

[4] Grandisson's *Reg.*, 488, 492.

archdeaconries of the same diocese; the archdeacon of Worcester, for example, possessing some rights not held by the archdeacon of Gloucester.[1] The general nature of their work will appear in the course of the discussion.

A rural dean, elected annually by the clergy,[2] or appointed by the bishop or archdeacon,[3] was at the head of each of the subdivisions of the archdeaconry, the rural deaneries. By the fourteenth century they had so far lost their old powers to the archdeacons[4] that they possessed little independent action. They saw to the publication throughout the deanery of the bishop's mandates, and made inquiries for him into the local reputation of persons, or the condition of property under their jurisdiction.[5] They possessed seals of office and certified to letters of administration, the appointment of proctors, the reports of commissioners and other official acts done in the deanery.[6] The chapters of the clergy in each rural deanery, held every three weeks[7] or once a month,[8] and by the fourteenth century generally presided over by the archdeacon,[9] were regularly used by the bishops to con-

---

[1] See *post* p. 17.

[2] As at Wells (Drokensford's *Reg.*, 286) and at Exeter (Grandisson's *Reg.*, 713).

[3] As at Winchester (Wilkins, *Concilia*, II. 299) and at Lichfield (Norbury's *Reg.*, 262).

[4] There were a few exceptions. The dean of Norwich resembled an archdeacon more than an ordinary dean. Hudson, *Leet Jurisd. in Norwich.* Seldon Soc. *Publications*, V. p. XCI.

[5] Wilkins, *Concilia*, II. 299.

[6] *Ibid.* II. 678; Grandisson's *Reg.*, 713. Grandisson complained that they handed over their seals to subordinates who falsified documents and took other unwarranted liberties.

[7] Wilkins, *Concilia*, II. 678.

[8] At Exeter (Wilkins, *Concilia*, II. 148); and Winchester, (*Ibid.* 299.)

[9] *Ibid.* II. 148, 299, 678.

duct investigations,[1] and by the archdeacons in carrying on their ordinary administrative work.

The cathedral chapter, archdeacon and rural dean occupied a definite place in the organization of the church, but a large part of the bishop's work was done through commissioners appointed to take charge of specific matters as they arose. The commissions were revokable at will and frequently one was cancelled and another issued to other persons to deal with the same question. In fact, as the chapter was not to be depended upon and the archdeacon's time was nearly filled with customary tasks, the bishop was forced to rely upon commissioners in delegating his own work. At the same time, the ease with which he could recall matters to his own consideration and the thoroughly dependent position of the commissioners made the practice attractive to him. While, as has been said, the bishop depended little for assistance upon the chapter, as a chapter, he constantly utilized the services of the dean and of individual canons as commissioners. Six commissions of an administrative character issued by Bishop Drokensford during the year 1322 are recorded in his register, and canons acted on five of them.[2] The bishop's official, while primarily a judicial officer, very often served as commissioner in administrative matters.[3]

If the bishop was absent from his diocese for any considerable length of time, he appointed one or more vicars-general to act in his stead. By a general commission issued to him, the vicar-general could perform all the jurisdictional work of the bishop except confer benefices; for that, especial mention of such power in the

[1] Drokensford's *Reg.*, 8, 77.
[2] Drokensford's *Reg.*, 202, 203, 205, 207
[3] *Reg. Pal. Dun.*, 758; Sandale's *Reg.*, 60, 102.

letter of appointment was necessary.[1] The amount of authority the bishop chose to confer varied in different cases. Thus Bishop Grandisson, in appointing a vicar-general in 1331, empowered him to confer benefices, but not to authorize exchanges.[2] Bishop Kellawe (1312), granted power to his vicars-general to dispose of benefices, except such as were in his own patronage.[3]

Before describing the various episcopal functions, it is worth while to consider for a moment what powers were at the bishop's disposal, whereby he could compel submission to his mandates. Means of coercion he must have had, for he exercised true governmental powers and the secular arm was not often called to his assistance, although, of course the knowledge that it could be had a deterring influence. His authority, like that of the whole mediaeval church, depended partly upon religious feeling, partly upon force. His means of commanding obedience from all persons was excommunication and interdict, backed up in the last resort by the civil power; from the clergy the additional powers of sequestering their revenues and depriving them of office. Any neglect to comply with a bishop's mandate meant excommunication. If the offender persisted in his refusal, he was solemnly excommunicated with bell, book and candle, and in case of a beneficed clerk his revenues sequestered as well. After forty days, if he did not seek absolution but remained contumacious, the king could be requested to order the sheriff to seize and imprison him. The king might refuse to issue such a writ, but there is no indication that it was done to any extent. It was probably only a form that was regularly

[1] c. 2, in 6, I. XIII; Lyndwood, *Provinciale*, 105.
[2] Grandisson's *Reg.*, 635.
[3] *Reg. Pal. Dun.*, 280.

gone through with as a matter of course.[1] In 1350 the commons petitioned that the king's writ should not be issued at the bishop's request until a *scire facias* had been directed to cause the party to answer; that is, the king was to inquire as to the justice of the excommunication before he enforced it. But the king replied that the petition was contrary to the law of the land and of the church, and could not be granted.[2]

However, excommunication was usually sufficient. Entries of appeals for the king's aid occur in the bishops' registers, but the number is insignificant.[3] The bishop's authority might rashly be defied, but less than forty days of separation from all the faithful and the church which touched his life at every point was enough to bring the rebellious one to a compliant frame of mind. The craving for uniformity, and dread of isolation so characteristic of the Middle Ages was strong enough, even at this period, to undermine the courage of him who would stand out against the church.[4] It follows that excommunication had less force when

[1] See Stubbs, *Ecc. Courts Commission Report*, Appendix I, p. 28.

[2] *Rot. Parl.* II. 230 a.

[3] These requests could be made only by the bishop, consequently most of them ought to appear in the registers. During the first three years of Grandisson's episcopate, the years when his register is most complete, five requests for the help of the civil power are recorded. Kellawe of Durham, being a palatine bishop, was not compelled to call on the king, but himself directed his sheriff to imprison the offenders. Nine such mandates are found in his registers, covering a period of five years, Similarly, but three are recorded for Sandale's episcopate. (Grandisson's *Reg.*, 359, 514, 595, 596, 598: *Reg., Pal., Dun.*, 165, 262, 303, 313, 317, 372, 454, 486, 589; Sandale's *Reg.*, 86, 87, 102.

[4] For discussion of this characteristic in another connection, see Cheyney, "Recantations of the Early Lollards" in *Am. Hist. Rev.* IV. 423–438.

launched against those in high places where that feeling was weaker, and also when a group of men, as a village, was contumacious, for there again the force of isolation did not operate strongly. Moreover, the material disadvantages were to be considered. When Bishop Giffard of Worcester excommunicated the monks of Malvern Priory, no tithes were paid to them and the king, stating that they were prevented from obtaining nourishment for their bodies, interfered in their behalf.[1] They were powerful enough to get help from the king, but less influential persons could be starved into submission. Doubtless many ecclesiastical mandates remained unexecuted, as did many secular ones, but the strong impression made by the picturesque cases of resistance to authority several times repeated in the English chronicles is apt to give an idea of a state of anarchy in the church out of all proportion to the truth.

Admission to Benefices.—A primary duty of the bishop was to fill the benefices and other livings of the church with suitable clergy. Admissions to benefices are the most numerous documents found in the registers. No prebend, rectory, vicarage, chapel, or even hermitage could be held without the bishop's sanction.

Certain livings were in his own gift, to these he appointed by granting a letter of collation.[2] The great majority were in the hands of some patron, lay or ecclesiastical, and the procedure then was as follows. The patron presented a candidate to the bishop, who thereupon, issued a commission to the archdeacon[3] to

[1] Giffard's *Reg.*, 211.

[2] *Reg. Pal. Dun.*, 833; Drokensford's *Reg.*, 116.

[3] These inquiries had formerly been made by the rural deans, but they were now regularly entrusted to the archdeacons: *Reg. Pal. Dun.*, 158, 439, 597; Drokensford's *Reg.*, 8, 77; Shrewsbury's *Reg.*, 165, 259; Grandisson's *Reg.*, 675; Sandale's *Reg.*, 265.

inquire in the full local chapter of the deanery in which the vacancy lay, or at times *non expectato loci capitulo* from the neighboring rectors, vicars and chaplains upon oath,[1] when the vacancy occurred and for what cause, who last presented to it, and who was then in possession of the presentation, how much it was worth a year, if there were any pensions attached to it, if it was under litigation (and if so, between whom and on what ground); concerning the qualifications of the presentee, his age, if he was suitable, what orders he was in, if he held other benefices, (one or more, with cure or without) and the other questions asked in such cases.[2] The bishop then either examined the report himself, and if satisfactory granted a letter of institution, or handed it over to one or more commissioners for that purpose, authorizing them to institute if they thought proper.[3]

It is difficult to say how often institution was refused because the candidate was incompetent. A record of such cases would naturally not be made in the registers. Nevertheless, from the number admitted when in minor orders and allowed leave of absence to study, we cannot help concluding that the questions as to the qualifications of the candidate were largely a matter of form. Patrons desired to put their sons or friends in possession of a benefice and bishops seem to have been powerless to resist the pressure brought to bear upon them. From the patron's point of view, it was a piece of property, and if the person he desired to enjoy it was not capable of performing the spiritual duties attached to it, let a chaplain be provided for that purpose. The Council of Lyons (1274) decreed that no one under twenty-

[1] *Reg. Pal. Dun.*, 158, 597.

[2] *Ibid.* 158; Drokensford's *Reg.*, 8.

[3] *Reg. Pal. Dun.*, 283, *et passim* in all the registers.

five should be instituted to a parish church, or who was without priest's orders, unless he pledged himself to take them within a year, under penalty of forfeiting his benefice.[1] But when, for example, Bishop Giffard, in accordance with that decree, attempted to deprive Edmund Mortimer, a member of the powerful Mortimer family, of the church of Campden for not taking priest's orders, the latter refused to give it up. The bishop appealed to the archbishop, but he was reluctant to act. Meanwhile, the rector appealed to Rome and the judges delegated to hear the cause decided in his favor and condemned the bishop to pay a hundred marks for costs.[2]

If unfit persons could not be kept out of beneficies, the next best thing was to give them an opportunity to become qualified after they had obtained possession. Accordingly, Pope Boniface VIII. allowed bishops to dispense with the Lyons decree and permit clerks to be admitted and given seven years to study before they were required to take priest's orders, although they were expected to become subdeacons within a year.[3] Hence clerks in first tonsure and acolytes, mere boys still in the hands of their tutors, were given benefices.[4] Bishops

[1] c. 12, in 6, I. VI.

[2] Giffard's *Reg.*, 116, 187, 144. Giffard had two years previously (1279) written to the Pope pointing out the unsuitableness of a strict application of the Lyons decree to the English church.

[3] c. 34, in 6, I. VI.

[4] Drokensford's *Reg.*, 20, 37, 64, 147; Grandisson's *Reg.*, 591, 595; Stapeldon's *Reg.*, 156, 160; Shrewsbury's *Reg.*, 37, 45, 95. A certain William Wichot, instituted to a rectory by bishop Wykeham and granted four years leave of absence, took his oath "that he would regularly attend a grammar school at the hours of reading and study and use all diligence in acquiring enough grammar for his station and as much plain song as

sometimes went further and admitted laymen. The archbishop ordered Drokensford to cancel his collation to a cathedral prebend of a *puer laicus*, the son of a nobleman.[1] The amount of laxity varied greatly under different bishops. Grosseteste's effort to maintain some standard of education for admission to the churches under his charge is well known, and his refusal to institute a boy who was still reading his Ovid is often referred to.[2] In another instance he refused to admit a clerk presented by the chancellor of York, and sent the chancellor the boy's examination papers so that he could judge for himself of his incompetency.[3] Bishop Drokensford sometimes examined the presentee in literature before instituting him,[4] but it does not appear that examinations were at all common with bishops generally, or even with Bishop Drokensford. A considerable number of the institutions of persons under age were due to the pope, the candidates having obtained a papal dispensation.[5]

In case the patron did not present within six months after a living fell vacant, the bishop collated to it by lapse.[6] On the other hand, if the bishop did not institute the patron's candidate within two months, or give sufficient reason for not doing so, the latter appealed to the archbishop, and the bishop was cited to appear before the official of the Court of Canterbury.[7]

---

possible, to the intent that during the interval he might become sufficiently instructed in grammar and plain song." Wykeham's *Reg.*, I. 116.

[1] Drokensford's *Reg.*, 41, 49.

[2] Grosseteste's *Letters*, 63.

[3] *Ibid.*, 68.

[4] Drokensford's *Reg.*, 77, 103.

[5] *Papal Letters*, II:60, 69, 100.

[6] The cannon law allowed six months to a clerical, but only four to a lay patron (c. 1, in 6, III.XIX); but the royal courts in deciding cases of advowson uniformly allowed six months to each. See Maitland, *Canon Law in Church of England*, 76–78.

[7] Lyndwood, *Provinciale*, 38. There are nine such appeals in Shrewsbury's *Reg.*, 147, 178, 322, 442, 463, 523, 747.

A surprisingly large number of the institutions were the result of exchanges of benefices between clerks, one-fifth of Grandisson's institutions during the first ten years of his episcopate being due to that cause.[1] In 1355 he issued a mandate which shows the influence exerted by powerful laymen in such cases. Comment has often been made upon the extent to which the church entered into all details of mediaeval life; much might also be said regarding the influence of laymen upon all details in the government of the mediaeval church. The mandate prohibited those holding benefices from presenting to him any letters of noblemen asking him to grant them license to exchange, as in such case he could not refuse without offending the noblemen.[2]

In the fourteenth century, the regular method of filling church offices was greatly interfered with by papal provisions. Pope John XXII (1316–1334) provided to twelve benefices and twenty-one canonries in the diocese of Exeter and to five benefices and forty-seven canonries in the diocese of Bath and Wells.[3] In 1326, the Bishop of Salisbury "wrote an humble letter to the pope signifying that, although there were in all in the Church of Sarum forty-one prebends, four dignities, four archdeaconries, and the subdeanery to which he had the original right of collation, there were nevertheless at that time a dean, an archdeacon, and six prebendaries who had been appointed by the late

[1] *Reg. of institutions:* Of the 446 institutions, 85 are mentioned as exchanges.

[2] Grandisson's *Reg.*, 1174. Exchanges were more frequent in the latter part of the century, thirty per cent of Wykeham's institutions between 1367 and 1377 being occasioned by them. Archbishop Courtney (1392) circulated through the province a denunciation of *choppe churches*, a class of clerics, living mostly in London, who carried on a traffic in exchanging benefices for their own advantage. Wykeham's *Reg.*, II. 431.

[3] *Papal Letters*, II. *passim.*

pope; and further, that the precentor, treasurer, one archdeacon, and seventeen prebendaries held their offices by provision of the present pope; that hardly more than three out of the whole number even resided in Sarum; and finally, that there were no less than eight who were waiting for vacancies, having been appointed as canons, with the right of succeeding to prebends as they became void."[1] The bishop might be accosted on the highway as he journeyed from place to place by clerks armed with provisions who pressed their claims for immediate attention.[2] It was not unusual for those promoted from one benefice to another to resign the first on condition that they did not find the second had been filled by the pope.[3]

The climax was reached when Clement VI. began his pontificate by offering to provide benefices for all poor clerks who would come to Avignon within two months of his coronation.[4] Bishop Grandisson and Bishop de Bury addressed him on the subject. Both letters were probably written in the fall of 1342 and were very similar in tone. They did not question the right of the pope to grant unlimited provisions, but described the injury which the large number issued worked in their dioceses, Grandisson pointing out that the worthy remained at home while the ambitious went to Rome to seek a provision.[5] Although provisions were confined almost entirely to livings of ecclesiastical patrons, the determined opposition to them came from the laymen, and in 1351 the Statute of Provisors was passed. So

[1] Jones, *Salisbury*, 119, 120.

[2] Swinfield's *Roll*, p. CCIV.

[3] Drokensford's *Reg.*, 144, 267, 299.

[4] *Papal Letters*, II p. VI.

[5] Grandisson's *Reg.*, 110; Raine, *Letters from Northern Registers*, 380.

far as the evidence in the registers goes, bishops did not refuse to carry out the papal provisions. Before executing a provision the bishop caused inquiry to be made as to the "life, manners, and conversation" of the clerk presenting it. If he thought it had been obtained through misrepresentation, he stayed its execution until the pope had been consulted.[1]

Collation or institution conferred upon a candidate the administration of the spiritualities. The right to the temporalities of his living passed to him only after the ceremony of induction, in which he was conducted, in person or by proctor, into the church or cathedral stall. In the case of benefices, the bishop commonly issued his mandate to the archdeacon to induct.[2] The deans usually installed the canons of the cathedral.[3] Once inducted, the incumbent held by life tenure, and if removed by the bishop for insufficient cause, could appeal to the archbishop.[4]

In those turbulent times, induction was sometimes at-

[1] Grandisson's *Reg.*, 384, 394, 396; Sandale's *Reg.*, 29, 41, 48; Shrewsbury's *Reg.*, 548, 716.

[2] Drokensford's *Reg.*, 9; Shrewsbury's *Reg.*, 10; *Reg. Pal. Dun.*, 12; Grandisson's *Reg.*, 615. Another instance of the growth of the archdeacon's power at the expense of the rural deans who originally inducted to benefices. When the mandates to induct were not addressed to the archdeacons they were addressed to one or more commissioners. Drokensford's *Reg.*, 219; *Reg. Pal. Dun.*, 832; Grandisson's *Reg.*, 615.

The archdeacon of Gloucester (1301) complained to the archbishop that Bishop Godfrey caused the rectors in that archdeaconry to be inducted by his commissaries, instead of by himself. The bishop, however, insisted that he was acting according to precedent. In the other archdeaconry of the diocese, Worcester, the archdeacon inducted. Giffard's *Reg.*, 551.

[3] Drokensford's *Reg.*, 254, 266.

[4] *Ibid.*, 100.

tended with danger and difficulty, especially when there were two persons claiming the same benefice. Bishop Grandisson instituted a certain rector to Whitechurch and issued a commission to the abbot of Buckland to induct him. When the abbot and his train reached the church, they found that by order of the abbot of Tavistock, who claimed the right of presentation, it had been fortified by a stone wall and a ditch and was guarded by a body of armed men.[1] Bishop Grandisson excommunicated all concerned, but they remained contumacious and he was forced to write to the king for aid.[2]

On another occasion trouble arose over the presentation to the church of Kilkhampton. Grandisson instituted a certain candidate, but Theobald de Grenevile, claiming the advowson, got a judgment in his favor in the king's court, and had his nominee instituted and inducted by order of the president of the court of Canterbury. Later the royal court reversed its decision, but the clerk in possession refused to meet the altered conditions. Assisted by Sir Theobald, he fortified the church *velud castrum* and surrounded himself with an armed force to resist attack.[3] The bishop ordered the abbot of Hartland and the prior of Launceton to go to the church in dispute and excommunicate him. The abbot wrote to the bishop that as he and his companions were approaching the church, they were met by a mob of armed men, who had painted their faces or wore masks, and who rushed upon them and with bows drawn drove them into retreat, pursuing them for a mile and pelting them with stones all the way. A few months later Sir Theobald appeared before the bishop and on bended knee confessed his sin and prayed for absolution.[4]

[1] Grandisson's *Reg.*, 676.
[2] *Ibid.*, 603.
[3] *Ibid.*, 1051–1052.
[4] Grandisson's *Reg.*, 1054, 1058.

The election of a dean, abbot, or prior was a technical process and the share the bishop had in it varied greatly. At Exeter and Wells, upon the death of a dean, the bishop handed over the administration of the common property to a commissioner or commissioners, usually members of the chapter.[1] Then his *congé d' élire* had to be obtained before the chapter could proceed to elect a successor.[2] When the election had been held, proctors were appointed to give a detailed account of it to the bishop, or his commissary. He examined their statements very carefully and if he found any customary form had been omitted or improperly carried out, he quashed the election and collated to the office himself.[3] Nothing exceptionable being discovered, he ordered the result of the election to be solemnly proclaimed in the cathedral on Sundays or fast days, citing any who opposed it to appear before him on a certain day, and show cause for so doing. If no one came on the appointed day, the bishop received the oath of submission of the dean-elect, formally confirmed the election, and issued a mandate for installation.

---

[1] Grandisson's *Reg.*, 794–801, 803, 1031–1032; Shrewsbury's *Reg.*, 137, 166. The monks of Durham complained of the officials the bishop sent to the priory in time of vacancy. Accordingly, Bishop Kellawe agreed that in future the sub-prior and a council of monks should administer it at such times, and to protect his own interests he would send one clerk with three men and three horses. *Reg. Pal. Dun.*, 1125.

[2] According to the Lincoln customs, the chapter could proceed to an election without having first asked their bishop for license. *Lincoln Cath. Statutes*, pt. II. 137: *Quo vacante, ad capitulum pertinet Decani sui electo. Non quidem perhabito cum Episcopo super hoc sermone nec ipsius requisito assensu.*

[3] Grandisson's *Reg.*, 1035. Cassation of the election of the prior of Plympton: *non persone electi vicio vel defectu, set utpote omissa in substancialibus forma que necessario requierebatur.*

In the cathedral priories of Durham and Winchester the procedure was the same as at Exeter,[1] but at Worcester, in accordance with an agreement made in 1224, the monks presented seven candidates and the bishop chose one of them.[2] Rochester Priory was vacant in 1333 and the bishop called the monks together and asked each in turn for his choice for prior. From those nominated, having taken into consideration the qualifications of each, he appointed the prior.[3]

As to the other monasteries and collegiate churches in a diocese, the *congé d' élire* was obtained from the patron, but, except in case of monasteries exempt by papal privilege, the process of election was thoroughly examined by the bishop and the person elected took an oath of obedience to him before he received letters of induction.[4] Occasionally, to save time and expense, the bishop was asked to take the election into his own hands.[5]

The fact that a clerk was admitted to a benefice or prebend is no good reason for supposing that he would have been found in residence upon it. In accordance with the legatine constitution of Cardinal Othobon, vicars were in some cases sworn to residence when collated or instituted.[6] But a determined effort had to be made by the bishops to keep the incumbents of benefices from deserting them without their leave, like the rector of Stokenham who had taken up his abode Bishop Stapeldon knew not where, and had not been near his church for

[1] *Reg. Pal. Dun.*, 355, 356, 392; Wykeham's *Reg.*, 149, 194.

[2] Giffard's *Reg.*, 62, 325.

[3] *Hist. Roffensis* in Wharton, *Anglia Sacra*, I. 371, 372.

[4] Wykeham's *Reg.*, I:54; Grandisson's *Reg.*, 662, 1162.

[5] Grandisson's *Reg.*, 998.

[6] *Reg. Pal. Dun.*, 123, 287, 745, 821; Grandisson's *Reg.*, 643; Wilkins, *Concilia*, II. 12.

three years.[1] Mandates were issued, both general and special. Bishop Kellawe in 1313 ordered the sequestrator-general to sequestrate the fruits of all benefices having cure of souls in which the rectors were not resident "to protect their sheep from the wolves".[2] Wykeham, upon becoming bishop of Winchester, instructed the archdeacons to admonish all non-resident clergy to return to residence within two months.[3] Again in 1383, he commanded them to cite before him all rectors and vicars non-resident without his leave. A list of those cited is recorded, twenty-six in the archdeaconry of Winchester and nineteen in the archdeaconry of Surrey.[4] Sequestration was the ordinary penalty imposed for non-residence,[5] but deprivation had occasionally to be resorted to.[6]

At the same time that bishops were issuing mandates to keep the clergy from wandering off and leaving their churches, they were granting licenses of non-residence in abundance. Much the greater number were given to young rectors to enable them to study in accordance with Boniface's decree.[7] In Drokensford's register fifteen such grants are entered for 1320, seventeen for 1321, nineteen for 1322 and sixteen for 1323.[8] His successor issued nineteen during the first year of his episcopate. In 1329, the year in which his register is particularly full, Grandisson recorded fifty-three licenses of non-residence

[1] Stapeldon's *Reg.*, 381.
[2] *Reg. Pal. Dun.*, 467.
[3] Wykeham's *Reg.*, II. 22.
[4] Wykeham's *Reg.*, II.350.
[5] *Ibid.*, 15, 144; Grandisson's *Reg.*, 428, 726; Bronescombe's *Reg.*, 313, 316, 380, 381.
[6] Drokensford's *Reg.*, 95, 97, 101; Grandisson's *Reg.*, 390, 428.
[7] See *ante* p. 13.
[8] Drokensford's *Reg.*, 304-309.

for study. They were customarily limited to one year, but there was no limit to the number of times they might be renewed. In some cases they were extended six or seven times, covering in all, it might be, a period of seven[1] or ten years.[2] In his absence, the student had to provide a chaplain acceptable to the bishop,[3] and in case of the more mature rectors, might be expected to return at Easter time and hear confessions.[4] He was also very frequently required to make a payment for the license to the fabric fund of the cathedral, usually a mark or forty shillings.[5]

Dispensations for non-residence were granted for other reasons as well. Leave of absence to serve a nobleman, some ecclesiastic, or the king was freely given.[6] Also licenses to make a pilgrimage to a saint's shrine are often found in the registers.[7] Bishop Drokensford allowed the rector of Overstowrey a year of non-residence to study or stay among friends, because of his slender income.[8] He granted another two years' absence on account of the strife going on in his parish.[8] Occasionally, a bishop became disturbed at the number of licenses he had conferred. Bishop Drokensford, in a commission in which he enlarged upon the evils of non-residence, directed his official to examine into the conduct of all holding licenses and revoke any that were being abused.[10] As

[1] Stapledon's *Reg*,. 85.

[2] *Ibid*.. 84.

[3] Drokensford's *Reg*., 216; Wykeham's *Reg*., 1:116.

[4] Shrewsbury's *Reg*., 99.

[5] Grandisson's *Reg*., 424, 443; Drokensford's *Reg*., 95.

[5] Shrewsbury's *Reg*., 528: Grandisson's *Reg*., 579; Wykeham's *Reg*., 455, 500.

[7] Grandisson's *Reg*., 467, 520.

[8] Drokenford's *Reg*., 306.

[9] *Ibid*., 219.

[10] *Ibid*., 227.

in the case of other dispensations, part of the licenses issued by bishops were at the command of the pope.

When the holder of a benefice became too old, or was otherwise rendered incompetent to discharge his work, the bishop responded to the need of the parish and appointed a chaplain as coadjutor. In some instances the rector or vicar himself asked for the chaplain, in others, the bishop had to force one upon him.[1] The old incumbent lived on among his parishioners, supported by a pension paid by the coadjutor. The bishop fixed the amount of the pension, and frequently had to interfere to see that it was paid.[2] Oftentimes the two lived together in the parsonage house, the coadjutor as host, the retiring rector as guest.[3] At other times the premises were formally divided into two tenements, as in the following instance. In Bishop Stapledon's time the vicar of St. Neot was stricken with leprosy. He appointed a chaplain to be the vicar's coadjutor and ordered that he should have the better chamber, with the houses close by, except the hall, to live, eat and drink in; and that the door between the chamber and the hall should be closed up and a new outside door cut in the former to give the vicar egress and ingress. The chaplain was to pay the vicar two shillings every week for food, drink, firewood and other necessaries, and every year about the feast of St. Michael twenty shillings for his clothes.[4] Bishop Shrewsbury made like detailed provision for a retiring prior. He was to have a suitable habitation for himself, one monk chaplain, one esquire, and one groom to serve him. He could take in eating, et cetra, as much as two *monachi claustrales*. Four loads of wood were to be given him every year for fuel.[5]

[1] Grandisson's *Reg.*, 635, 829.
[2] *Ibid.*, 443; Drokensford's *Reg.*, 24, 50, 127.
[3] Cutts, *Parish Priests*, 291.
[4] Stapledon's *Reg.*, 342.
[5] Shrewsbury's *Reg.*, 371.

CHAPTER II.

DIOCESAN SUPERVISION.

The bishop was the "supreme guardian of the whole diocesan property" and exercised a general superintendence over all details of its management. He could not alienate any part of it without the consent of the chapter.[1] Thus, their confirmation was added to the grants of manumission to serfs on his manors, and the assent of the prior and convent of Durham was necessary when their bishop leased certain manors to some Florentine merchants in payment of a loan.[2]

Most bishops took a great interest in their cathedrals. A large amount of rebuilding was undertaken in the fourteenth century; the central tower of Lincoln Cathedral, the choir at Gloucester, and the nave of York Minster are examples of building done during the first half of the century. At Exeter the work of reconstruction which had been begun by Bishops Bytton and Quivil went on continuously through Stapeldon's and Grandisson's episcopate, the former beautifully refitting and redecorating the choir and accumulating a large supply of materials which was used by the latter in reconstructing the nave. Besides superintending the work of reconstruction, the bishops labored hard to obtain the necessary funds, contributing generously from their own private incomes. They granted indulgences to all the faith-

[1] c. 8, 9, X. III. X.

[2] Grandisson's *Reg.*, 1166; Stafford's *Reg.*, 332; *Hist. Dun. Scrip. Tres. doc.* CV.

ful who would contribute, and gave the fees received for licenses and dispensations to the cathedral fund.[1] From 1310 until his death Bishop Stapeldon contributed about £124 annually from his private fortune, and made a final gift of a thousand marks.[2]

The bishop's license must first be obtained before a church could be built or enlarged;[3] a graveyard extended,[4] a chapel erected, or a chantry founded.[5] He designated the site for a church by fixing, or ordering a priest to fix, a cross in the ground where the altar was to be.[6] He was careful, in licensing chapels, to make arrangements that the mother church should not suffer through withdrawal of offerings.[7] On one or more of the festival days the people of the chapelries were required to go in procession to the mother church with

[1] Grandisson's *Reg.*, p. XXV; see *ante* p. 22.

[2] Stapeldon's *Reg.*, p. XVI.

[3] Wilkins, *Concilia*, 137; Grandisson's *Reg.*, 826, 908; Stafford's *Reg.*, 39.

[4] Wykeham's *Reg.*, II. 335.

[5] Wilkins, *Concilia*, 382; Grandisson's *Reg.*, 508; Shrewsbury's *Reg.*, 185.

[6] *Pontificale Romana.*

[7] Grandisson's *Reg.*, 624, 626, 785. The detail of such regulations is illustrated by the following example. The parishioners of Kingsford, Cornwall, petitioned Bishop Stafford that, considering that they were a long way from the parish church, and the road along which funerals had to pass was dangerous and difficult, he would allow them to have a chapel and cemetery. He consented, provided the rector's income was not diminished. Every parishioner was to hear mass once a year in the mother church and make an offering of one penny to the rector. The executors of a dead man were to pay one penny to the rector, just as if the burial had taken place at the parish church. Those lights which were carried into the cemetery with the body of the dead were to go to the rector, while those used only outside the cemetery the friends of the dead might

banners flying, and, of course, make their offerings.[1] He also licensed private oratories and chapels in the house of ecclesiastics, noblemen, or other influential persons. Bishop Grandisson granted eighty-two such licences during his episcopate and Bishop Stafford granted the unusually large number of 253.[2]

Much pressure was brought to bear upon bishops by monasteries and collegiate churches to obtain the appropriation of parish churches. They pleaded poverty; that they were on a much traveled highway and could not give hospitality to all the travelers that came to them; that their buildings had been burned, and the like.[3] The confirmation of the chapter was necessary to give validity to any appropriation by the bishop, *habito super eis cum dictis Decano et Capitulo tractatu solempni et diligenti* is found in all Grandisson's letters of appropriation. Bishop Drokensford reproved the priory of Bath for "granting mischievous confirmations" to the acts of his predecessor in granting away episcopal property.[4] In a diocese where there were two cathedrals, as Bath and Wells, the consent of both had to be obtained.[5] A considerable number of the appropriations were at the command of the pope. Monasteries in favor at Rome petitioned for license to appropriate certain churches.

---

keep. No "lofty tombs of stone" were to be set up in the new cemetery without first paying the rector six pence. (Stafford's *Reg.*, 227–228.)

[1] Cutts, *Parish Priests*, 120.

[2] Grandisson's *Reg.*, index; Stafford's *Reg.*, 270–283.

[3] Grandisson's *Reg.*, 698, 773, 729, 872.

[4] Drokensford's *Reg.*, 196.

[5] Drokensford's *Reg.*, 224. Suit was brought in the Court of Arches by the bishop and Wells chapter because the previous bishop had appropriated a church to Bath Priory without asking for the confirmation of the Wells Chapter (*Ibid.*, 120).

The pope usually granted a conditional license, commanding the bishop to inquire into the facts and if they were as alleged by the petitioner to confirm the appropriation. Bishop Norbury of Lichfield (1322–1358) confirmed twenty-five papal appropriations.[1] A bishop often provided for his obit by appropriating a church to the dean and chapter, from the income of which they were to pay the expenses of its celebration.[2]

In granting an appropriation, the bishop specified minutely the division of the tithes between the vicar to be placed in charge of the church and the house or person receiving the appropriation, In general, the latter received the great tithes, the tithes of corn, and the former the customary offerings and fees and the small tithes, tithes of wool, fish, poultry, milk, cheese, honey, et cetera.[3] The extent of the vicar's garden, the size of his house, the responsibility for the repair of church vestments, books, and ornaments were definitely stated in the deed of appropriation. Oftentimes the arrangement proved unsatisfactory and the bishop again had to interfere, usually to augment the portion of a starving vicar.[4]

The detailed oversight of church property was the duty of the archdeacon in visitation and was the part of his work most emphasized by church councils. The bishop, also, in his visitations, examined into the condition of churches and all property relating thereto, but at any other time when complaint reached him from any part

[1] Norbury's *Reg.*, 288.

[2] Bronescombe's *Reg.*, 243; Stafford's *Reg.*, 336; Grandisson's *Reg.*, 873.

[3] Grandisson's *Reg.*, 1104: Drokensford's *Reg.*, 171, 180; *Reg. Pal. Dun.*, 1221.

[4] Grandisson's *Reg.*, 1196; Drokensford's *Reg.*, 180; *Reg. Pal. Dun.*, 1221. Occasionally the vicar's share was diminished. Grandisson's *Reg.*, 716.

of his diocese, he sent out commissioners to look into the situation, or issued a mandate to rectify the abuse. Bishop Richard de Bury of Durham learned through common report—*fama publica*—that the canons and prebendaries of the collegiate church of Norton allowed their walls and hedges to fall into ruin. He accordingly warned them to repair them before the next Easter, or he would sequestrate their property for the required amount.[1] In the same manner, Bishop Grandisson discovered that prebendaries of Crediton had given out their holdings to laymen to farm, who, occupying the houses with their wives and children, made public inns of them and carried on there *questus turpis lucri*. He commanded that the abuse be stopped, as it was against the sacred canons for benefices to be farmed by laymen.[2] Bishop Wykeham sent a monition to the parishioners of Lambeth who were unwilling to provide new church bells.[3] Nothing was too unimportant to escape the bishop's vigilance. Grandisson warned a certain Robert Lucy to return some posts he had taken from consecrated ground near the church of St. Mary, Exeter, both because things once consecrated should not be used for profane purposes, and because the lack of the posts hindered the processions from taking their proper form.[4] Wykeham issued a mandate against ball playing and stone throwing in the church yard of Winchester Cathedral, as it was very destructive to the church windows.[5] Monitions against holding fairs and markets in churches and cemeteries are so frequently met with, that it would appear to have been difficult to enforce them.[6]

[1] *Reg. Pal. Dun.*, III. 299.
[2] Grandisson's *Reg.*, 1039.
[3] Wykeham's *Reg.*, II. 284.
[4] Grandisson's *Reg.*, 909.
[5] Wykeham's *Reg.*, II. 409.
[6] Shrewsbury's *Reg.*, 124, 250; Stafford's *Reg.*, 86. Such places

A constant source of annoyance and difficulty to the bishops was the condition of the abbeys and priories. They had got so badly into debt, in very many cases, that, despairing of extricating themselves, they proceeded to squander their property still further. In 1328, Bishop Grandisson investigated the condition of Bodmin Priory and found the financial situation so serious, that, with the prior's own consent, he suspended him and gave the administration of the temporalities and spiritualities to two commissioners, with authority to remove incompetent stewards and appoint others.[1] Again in 1343 he wrote to the prior, calling his attention to the fact that while the priory was in the hands of the commissioners it had been freed from debt and placed in good condition; now he had heard that it was again in such a deplorable situation that unless a speedy remedy was provided it would be brought to irreparable ruin. He ought to remove him, but *malentes de mansuetudine corripi quam rigore*, he had for the present drawn up certain statutes which he ordered him and the monks to observe.[2]

In July 1331, the same bishop issued a commission to investigate the condition of Plympton Priory and order such measures for its reform as seemed best. He had learned that it was so overcome with debt that unless something was done, affairs would be beyond remedy.[3] In December, 1346, he was again forced to send commissioners to examine into the sate of the priory. The re-

were especially desirable for fairs and markets, because, being consecrated, they afforded a better market-peace than could be obtained elsewhere.

There was a statute against the practice–13 Edw. II. (Statutes of Realm, I: 28.)

[1] Grandisson's *Reg.*, 423.

[2] *Ibid.*, 979.

[3] *Ibid.*, 620.

port was so bad that he suspended the prior, appointing administrators to take charge of the temporalities, and drew up a list of rules for future observance.[1]

Similarly, in 1329, he was forced to take the government of Tywardreath Priory out of the hands of the prior, because it had got so badly in debt.[2] In Decemcember, 1348, Totnes Priory was found to be in an equally bad condition. He sent ordinances for its regulation and suspended the prior.[3] Launceton Priory was also a source of great trouble to the bishop. In 1330, he sent a mandate to the prior to cut down unnecessary expenses so as to relieve the monastery from its financial embarrassment.[4] The prior was very incompetent and dissolute, *dampnacionis filius ut timemus*, and finally, in 1344 the bishop suspended him.[5] However he was a direct hindrance to any improvement in the state of the monastery and the next year he forced him to resign.[6]

All these difficulites occurred in one diocese during one episcopate. The fact that the priors of five priories were suspended for wasting their property, shows not only the state of the monasteries but also the large amount of attention the bishops were required to give to that part of their work. It is rather suggestive that a blank form of commission to inquire touching a monastery under an incompetent abbot should have found its way into a bishop's register.[7] Bishop Drokensford had much the same experience as Bishop Grandisson in connection with the nunneries of his diocese.[8]

[1] Grandisson's, *Reg.*, 1014.
[2] *Ibid.*, 455.
[3] *Ibid.*, 1073-1075.
[4] *Ibid.*, 564
[5] *Ibid.*, 989.
[6] *Ibid.*, 1002.
[7] Drokensford's *Reg.*, 203.
[8] *Ibid.*, 96, 100, 221, 228, 240.

Bishops, furthermore, exercised a general oversight over the conduct and education of the people of their dioceses, both clerical and lay. They licensed masters to keep grammar schools and interfered if their instruction was not as it should be. Being grieved that before boys knew how to read well the hours of the Blessed Virgin and the simple responses of the service, they were set to work on less useful books, *libros magistrales et poeticos aut metricos*, Bishop Grandisson ordered the archdeacon to see that teachers in the grammar schools attended to the religious instruction first.[1] The oversight of daily conduct, like the supervision of church property, was systematically carried out through their and the archdeacon's visitations, but as occasion required they sent out their mandates on a great variety of subjects, to check an abuse here, or admonish an unworthy person there, to set right, in fact, whatever needed their interference. Laymen were commanded not to hold markets on Sundays and fast days.[2] Bishop Wykeham ordered the barbers of Winchester not to keep open their shops on Sundays, and on another occasion he admonished shoemakers and cobblers to refrain from work on that day.[3] In 1352, Bishop Grandisson forbade the performance of an "injurious and scandalous play" in the Exeter theatre.[4] "Whereas there is a natural order of mankind that women should serve their husbands," a certain Christiana atte Wode was ordered by Bishop Giffard to obey her husband and treat him with wifely affection.[5]

The clergy as a body and as individuals were scored for their shortcomings by the bishops from time to time in no

[1] Grandisson's *Reg.*, 1192.

[2] Grandisson's *Reg.*, 1203; Wykeham's *Reg.*, 11. 416, 521.

[3] Wykeham's *Reg.*, 11.431.

[4] Grandisson's *Reg.*, 1120.

[5] Giffard's *Reg.*, 76.

uncertain language. Bishop Grosseteste in a letter rebuking one of his clerks, called him "a blot on the clergy, a shame to theologians, a delight to the enemies of religion, a derision and song and story to the vulgar,"[1] Bishop Grandisson wrote to the Dean of Exeter in 1330 to discipline the cathedral vicars. He had learned "through the account of the faithful" that they laughed and behaved otherwise irreverently during service, that those in the higher seats of the choir deliberately dropped hot wax from their candles upon the heads of those beneath to excite a laugh, and that when any one made a mistake in singing, the others called out the correction in a loud and jeering voice.[2] In spite of the sumptuary laws of the church, the clergy persisted in dressing like laymen, and the archdeacons would not interfere. Consequently, bishops issued mandates again and again, ordering them to wear the tonsure and the long gowns.[3] They kept watch over the affairs of the monks as well, interfering, for example, to prevent too severe punishment of one who had broken the discipline of his House, or ordering one whom the abbot or prior has cast out to be reinstated.[4] The perpetual vicar of Sutton

[1] Grosseteste's *Letters*, 48.

[2] Grandisson's *Reg.*, 586.

[3] Grandisson's *Reg.*, 959. Archbishop Stratford's constitutions, 1342, described existing conditions as follows: "Because persons holding ecclesiastical dignities . . . scorn to wear the tonsure, which is the crown of the kingdom of heaven and of perfection, and distinguish themselves by hair spreading to their shoulders in an effeminate manner, and walk about clad in military rather than in clerical dress, with the outer habit very short and tight fitting, with long sleeves which do not touch the elbow; their hair curled and perfumed . . . with long beards, rings on their fingers and girded belts studded with precious stones of wonderful size," etc. Wilkins, *Concilia*, II. 703.

[4] Shrewsbury's *Reg.*, 114; *Reg. Pal. Dun.*, 33; Wykeham's *Reg.*, II. 60.

joined the monks of St. Augustine, but when Bishop Grandisson heard of it he commanded him to return to secular life as his teaching and example had been very pleasing and helpful to his parishioners, and he was of great service to the Lord as vicar.[1]

Visitation.—Visitation was an important duty of the bishop in that it enabled him to become acquainted with the local needs of every part of his diocese. However great a feudal landlord a bishop might be, however influential an official of the king, by means of visitation the humblest parishes felt the inspiration of his presence and the guidance of his larger wisdom in clearing up their petty problems.

In early times bishops were expected to visit the clergy of their diocese at least once a year.[2] It is stated of Ralph, bishop of Chichester (1091–1123), that he visited his clergy thrice yearly.[3] But after the dioceses had been divided into archdeaconries and the archdeacons began to hold their visitations, this was less necessary. Grosseteste began the account of his visitation of the people and clergy of his diocese which he addressed to the pope and cardinals in 1250 by saying:—"The bishops of Lincoln have been accustomed in times past to visit the religious houses of the diocese subject to them and to receive procurations from the same. Of this customary practice it is not now my intention to speak, but of what is not customary, if you will kindly listen."[4] By the fourteenth century triennial visitation had come to be regarded as customary. In 1319 Bishop Drokensford, in

[1] Grandisson's *Reg.*, 674

[2] Wilkins, *Concilia*, I. 212; Constitution of Archbishop Odo, (943 A. D.).

[3] Wm. Malmesbury, *Gesta Pontificum*, 206–207.

[4] *Praepositio Roberti Grosthed de Visitatione* in Wharton II. 347.

a statement setting forth his rights of jurisdiction, said: — "the lord Bishop by common right has the privilege and right to visit all the parochial churches and the clergy and people of the same in each archdeaconry of his diocese at least once in three years."[1] In the sixteenth century, the legatine council under Cardinal Pole referred to triennial visitation as an old custom.[2] However, this duty was frequently executed by special commissioners appointed by the bishop. No doubt such visitation was thorough and salutary, but our interest lies in seeing how much personal inspection of this kind the bishop managed to give his diocese. Some idea of the extent of this during the fourteenth century may be gained by examining the text of the bishops' registers and the itineraries worked out from the signatures to the documents.

Bishop Kellawe personally visited the archdeaconry of Durham in 1311, the first year of his episcopate. He intended also to visit his other archdeaconry, Northumberland, but was prevented by the Scotch war.[3] No later mention of a general visitation is made. In the part of the register of Richard de Bury which we possess, extending from 1338 to 1343, there is one notice of a visitation of his diocese, namely in 1343.[4] As to the diocese of Bath and Wells, Bishop Drokensford was carrying on a general visitation in 1313, for in September he deputed commissaries to complete it as he had been summoned to London. Bishop Shrewsbury sent notices to all the rural deans in 1333 that he intended to visit

[1] Reynolds, *Wells Cathedral*, 136.

[2] Wilkins, *Concilia*, IV. 121: Bishops should visit their dioceses *juxta antiquam hujus regni consuetudinem saltem singulis triennis*.

[3] *Reg. Pal. Dun.*, 62, 63, 70, 75, 115.

[4] *Ibid.*, III. 522.

their deaneries; in August, 1337, he began another visitation which seems to have lasted until the end of the year. No further notice occurs until 1349, when the bishop is found visiting the parish church at Yeovil, but even then we learn nothing as to whether it was part of a general diocesan visitation. There is one other similarly unsatisfactory statement, a reference to an event which took place in December 1353, as occuring at the late visitation.[1] In the diocese of Winchester, Bishop Wykeham gave notice (1373) to all rural deans that he intended to hold a general visitation of clergy and people, *qui sine cura et regimine visitacionis pastoralis non modico tempore prostiterunt.*[2]

However, it would be hazardous to draw any final conclusion from the mere absence of evidence. The editor of the Exeter registers has carefully worked out the itinerary of the different bishops and more satisfactory information can be obtained from that source. Bishop Bronescombe (1257–1280) began his first visitation in August, 1259, and it lasted until February, 1260. Still he did not visit all the diocese, North Devon being left out. The following year he went over much the same ground as before. He did not again make a general visitation of the diocese, and did not visit North Devon thoroughly until 1272.[3] Bishop Quivil's (1280–1291) itinerary does not give evidence of any general visitation. Bishop Stapeldon, although constantly employed in the royal service, managed to accomplish a considerable amount of visitation. He visited Cornwall very thoroughly in 1309, North Devon the next year and a number of scattering places in 1311; so that in those three years he completed

[1] Drokensford's *Reg.*, 159; Shrewsbury's *Reg.*, 153, 154, 315, 596, 731.

[2] Wykeham's *Reg.*, II. 189.

[3] Bronescombe's *Reg.*, 295, 296.

the inspection of his whole diocese. His next long visitation was begun in April, 1318, and lasted six months. Once more he visited both counties in 1321.[1] Bishop Grandisson visited for the most part by deputy. He visited Cornwall slightly in 1328, more thoroughly in 1330, and completed the visitation between May and August, 1336. He also held a partial visitation of Devon during October and May, 1333.[2] Bishop Stafford made a visitation in 1400 and again in 1411, each covering the whole, or a great part, of the diocese.[3]

In addition to these general visitation tours, parishes lying on the road between the bishop's favorite manors were visited frequently; and almost every year, on account of some disturbance or other cause, a particular region received his special attention. In general there seems to have been little regularity as to time and amount of visitation. Most bishops attempted to make a general tour through their dioceses soon after installation, but thereafter all depended upon circumstances. Judging from the evidence obtainable, two complete personal visitations might be considered a high average for an episcopate.

When a bishop traveled about through his diocese, he was accompanied by a numerous train. Bishop Giffard (1290) visited Worcester Priory with a hundred and fifty horses and staid three days.[4] In his visitation of Cornwall, in 1336, Bishop Grandissson had with him three noblemen, two archdeacons, the chancellor and a canon of the cathedral, many chaplains from his chapel, *ceterisque suis familiaribus et domesticis et exteris, in multitud-*

[1] Stapeldon's *Reg.*, 548, 550, 555–557.
[2] Grandisson's *Reg.*, 1524-1532.
[3] Stafford's *Reg.*, 476-479.
[4] *Annales Monastici*, IV. 504.

ine populosa.[1] Both popes and church councils felt the necessity of fixing a limit to the size of the retinue, as it was incumbent upon the clergy visited to furnish provisions during the bishop's stay. The Latern Council of 1179 provided that a bishop could not demand hospitality for a retinue of more than twenty or thirty horses.[2] Again in 1252, Pope Innocent IV, in return for the grant of a twentieth by the beneficed clergy of England, decreed that bishops could not demand procurations for more than thirty horses, or receive in money more than thirty shillings.[3]

If the account of a visitation of one of the less wealthy dioceses in 1289-90 is at all representative, bishops kept near if they did not exceed the limit of the law. Richard Swinfield, bishop of Hereford, in that year visited the parishes of his diocese with thirty-five horses. On one of the days when he did not receive procurations, his steward paid 32 shillings, 4 pence for food for the people alone, which together with the food for the horses amounted to considerably more than the sum permitted by law.[4] The value of the rectories he visited just previously is given as thirteen pounds in the taxation of

---

[1] Grandisson's *Reg*,, 320.

[2] *Annales Monastici,* IV. 300.

[3] *Ibid.* III. 186. In 1335, Pope Benedict XII. drew up a complete tariff for all countries of Europe. In England bishops were not to receive for one day, from churches less than collegiate churches, more than 12½ gold florins. Wilkins, II. 186.

[4] Swinfield's *Roll.*, p. 76. The steward expended his money as follows: "For bread 4 *s.* 2 *d.* 6 sextaries, 2 gallons of wine, 6 *s.* 8 sextaries of beer, 3 *s.* 4*d.* For cartage, 2 *d.* 4 capons already accounted for. 1 carcass and a half of beef, 6 *s.*, 6 *d.* 2 sides of bacon, 2 *s.* 2 *d.* 1 porker, 20 *d.* 2 calves, 20 *s.* 10 *d.* 3 little pigs, 12 *d.* 9 hens, 12 *d.* 48 pigeons, 22 *d.* 1 carcass and 2 porkers were a present. Of these there remains 1 carcass of beef, half a hog. For 1 sheep, 10 *d.* fish, 6 *d.* bread, 2 *d.*"

Pope Nicholas IV.[1] Consequently a visit from the bishop was no small drain upon the rector's income. Still it was a great honor to have him come and he was received with ringing of bells and all due respect. Occasional exceptions occurred. When in 1349 Bishop Shrewsbury was holding vespers in the parish church at Yeovil during his visitation, "certain sons of perdition," he relates, "forming the community of the said town, having assembled in a numerous multitude with bows, arrows, iron bars, stones and other kinds of arms, fiercely wounded many of our servants of God to the abundant spilling of blood. But not content with these evil doings they shut us and our servants in the said church until the darkness of the night of the same day, and afterwards they incarcerated us and our servants in the rectory of the said church until on the day following the neighbors, devout sons of the church and all worthy of commendation, delivered us from so great danger and from our prison".[2]

The bishop very generally visited several parishes together. Wykeham and Grandisson cited each deanery to one meeting place, while Shrewsbury took four churches at a time.[3] To the church fixed upon by the bishop were to come all rectors, vicars, and chaplains, and three, or four, or six worthy laymen from each parish, according to its size.[4] When Grosseteste, in the thirteenth century, had attempted to compel the attendance of the laymen, as sworn precentors of grievances, and also of witnesses, Henry III. had inhibited him in that he was encroaching

[1] Swinfield's *Roll.*, 172, 173.

[2] Shrewsbury's *Reg.*, 596.

[3] Wykeham's *Reg.*, II. 189; Grandisson's *Reg.*, 382, 393; Shrewsbury's *Reg.*, 153.

[4] Grandisson's *Reg.*, 382, 639; *Reg.*, *Pal.*, *Dun.*, 63, 84.

upon secular jurisdiction.[1] Notwithstanding, laymen continued to be present and give information at all the episcopal and archdeaconal visitations, although the king continued to send out inhibitions from time to time, as is shown by the constitutions of Archbishop Boniface (1261).[2] In 1307, the dean of Christianity of Worcester was ordered to cite four from each parish "not those whom the rectors and vicars would name," but those whom he should himself select.[3]

The inquiries of the bishop on his visitation were along four lines. First, all the clergy were expected to exhibit their letters of ordination and of institution. If they held plural benefices, or enjoyed any other privilege for which especial license was necessary, they must exhibit, also, their dispensations.[4] In the second place, he received information regarding the rectors and vicars, both as to their efficiency in discharging their duty, and in regard to their manner of life in general. Did they visit the sick and carry the sacrament to the dying? Were they frequently absent from the parish? Did they frequent taverns? Did they go about without the clerical dress, et cetera? Again, the conduct of the laity was inquired into. Whether they were guilty of any of the seven deadly sins. Whether they worked on the Lord's day or feast days. Whether they spent their time in public inns, and similar questions.[5] Finally, the condition of the church property was minutely investigated. Bishop Stapeldon in his visitation of Axminster church in June, 1315, found it lacked an image of St. John the Baptist,

---

[1] Stubbs, *Ecc. Courts Comm. Report Appendix*, I. 27.
[2] Wilkins, *Concilia*, I. 751.
[3] *Reg. Sede Vacante*, 116.
[4] Grandisson's *Reg.*, 382; Drokensford's *Reg.*, 159.
[5] *Burton Annals*, 296, 307; Stapledon's *Reg.*, 194.

and the vicar and parishioners were required to provide one before Christmas, and, in addition, a Legendary of the Saints, an Ordinale, a Chrismatory and a candlestick for the Easter candle.[1] He considered the parish church of Ilfracombe too small and ordered that within two years it should be lengthened twenty-four feet, at least, and broadened by two aisles.[2] At Staverton he discovered that there was a lack of festival vestments, the *missale* was *falsa* although beautiful, and there was no vase for incense.[3] In this way he went through the diocese, ordering improvements in the fabric, and new ornaments and vestments to be provided.

Visitation was also judicial in character. If disputes existed between parishioners, if a rector or layman denied the charge made to the bishop against him, the latter could, and frequently did, take the testimony of those present, or allow the accused to purge themselves, and thus adjudicate the questions on the spot.[4] In more difficult cases, he cited the persons to appear before him or his commissary on a certain day when the matter would receive a full hearing.[5] William de Dene relates that the bishop of Rochester spent the winter of 1320 at one of his manors, Trottsyclyve, attending to the corrections resulting from a visitation of his diocese the previous autumn.[6]

Moreover, ordaining and confirming—all the bishop's powers, in short, were exercised during visitation. Some bishops made a regular practice of preaching at such

---

[1] Stapledon's *Reg.*, 38.
[2] *Ibid.*, 182.
[3] *Ibid.*, 379.
[4] *Ibid.*, 327; Grandisson's Reg., 403.
[5] Drokensford's *Reg.*, 87; *Beg. Pal. Dun.*, 306.
[6] *Hist. Roffensis* in Wharton, I. 361.

times. Bishop Giffard was particularly fond of so doing and the texts of some of his sermons are given in his registers.[1] They probably preached only to the clergy, while some rector or friar preached to the people. In this whole connection Grosseteste's description of one of his visitations is exceedingly interesting: "When the clergy and people were called together, I, as usual, preached the word of God to the clergy and some Friar Preacher or Friar Minor preached to the people; and four friars then heard confessions and enjoined penance; having confirmed boys the same day and the next, I with my clerks made inquiries, corrections and reformations."[2] Bishop Grandisson has recorded an account of his visitation of St. Buryan, Cornwall. The church had been in a state of rebellion for some time, but the parishioners were anxious to be reinstated in his favor. Accordingly they one and all knelt down before him and with uplifted hands confessed that they had been rebels against the unity of the Church and promised obedience for the future. He then preached to them in Latin and after he had finished, the sermon was translated into Cornish by an interpreter. He also conferred the first tonsure and confirmed a great many children—*quasi innumerabiles*.[3]

The archdeacon visited his archdeaconry once a year.[4] He was expected to keep a list of all the ornaments, books and vestments in every church, so that he could see each year "what had been added through the diligence of the parishioners, or what through wickedness

---

[1] Giffard's *Reg.*, 230, 236, 339.

[2] *Praepositio Roberti Grosthed de Visitatione*, in Wharton, II. 347.

[3] Grandisson's *Reg.*, 820.

[4] c. 6, X. I. XXIII; Wilkins, *Concilia*, I. 589; Lyndwood, *Provinciale*, 49.

or neglect had deteriorated.'"[1] There was constant complaint about the manner in which he discharged his office. Bishop Grandisson, in 1354, commanded his archdeacons to investigate more carefully the condition of the vestments in the different churches. He had heard that those which should be white were so abominably dirty that *ad nauseam, quod dicere pudet, multociens provocant intuentes et devocionem refrigerant eorundem.*'"[2] The more frequent complaints were because of over officiousness. In 1329, the same bishop appointed commissioners to inquire into the charge of the parochial churches against the archdeacon of Exeter, namely, that he had levied exorbitant fines on them for defects found in visitation.[3] Some years later, stating that the fines levied for defects in churches ought to be applied to the use of the churches visited, and not appropriated by the visitors, he commanded the archdeacons to return to the churches within a month what they had extorted from them.[4] In 1308, the archdeacons of Winchester were demanding twelve pence a year from each church, under the name of "larder gift" or "archdeacon's pig."[5] As in the case of bishops, the Latern Council of 1179 limited the number of horses they might take with them on visitation, and the pope (1252) fixed the maximum number at seven, or a money equivalent of 7 *s*, 3½ *d*.[6] None the less, the clergy of the archdeaconry of Richmond in the early part of the fourteenth century complained that they had to entertain the archdeacon's train of fifteen or twenty-four horsemen, each of whom had a dog with him.[7]

---

[1] Wilkins, *Concilia*, I. 589.
[2] Grandisson's *Reg.*, 1126.
[3] *Ibid.*, 474.
[4] *Ibid.*, 1008.
[5] Wilkins, *Concilia*, II. 300.
[6] *Annales Monastici*, III. 186.
[7] Raine, *York*, 164.

The cathedrals and religious houses because of their importance and the fact that they were exempt from archdeaconal visitation, were quite frequently visited by the bishops. For their part, they resented this interference in their affairs and prevented it whenever possible. The struggle with the cathedral chapters waxed hottest in the second half of the thirteenth century. Bishop Grosseteste's controversy with the Lincoln chapter lasted for six years, and in insisting upon his privilege he maintained that he was battling for the neglected rights of all the English bishops. The story is well known. In 1239 he set a date in October for the canons to undergo visitation. They immediately sent an appeal to Rome and replied to him that they had not been visited since the earliest times, and could not, therefore, be subject to his visitation.[1] On the appointed day the bishop went to the cathedral, but found not a single canon or vicar present to receive him. The difficulty was submitted to arbitration, but was not settled until 1245, when the pope decided in favor of Bishop Grosseteste. The result discouraged other chapters from trying to claim exemption through lapse. In the fourteenth century, probably in all dioceses except Salisbury, the bishop visited his cathedral.[2] However, he was often given an unsatisfactory reception. Bishop Drokensford endeavored to visit

[1] Grosseteste's *Letters*, 248, 254, 258.

[2] At Salisbury, by virtue of an agreement made between bishop and chapter in 1262, no visitation was held from that date until the end of the fifteenth century. *Reg. St. Osmund*, I. 353; Jones, *Salisbury*, 110.

At York, the archbishop, in settling some controverted questions with the chapter, agreed (1292), that they were to be visited only once in five years. *Historians of York*, III. 216.

At London, in accordance with ancient custom, the bishop on the first day of his visitation had to give a banquet to all canons present. Reynolds, *Wells Cathedral*, p. CLXI.

Wells Cathedral and Bath Priory in 1311 and found all inquiry balked by the oaths of secrecy which the canons and monks had taken. He excommunicated all who had joined in such oaths, but did not attempt to proceed further with the visitation at that time.[1]

If the right to visit was not under controversy, there was always the possibility of a dispute over the manner of conducting it. The monks of Durham refused to receive their bishop in visitation in 1300 because he was accompanied by a large number of clerks not of their order. The imperious Anthony Bek was then bishop. He sequestered the property of the priory, imprisoned the monks in the monastery, would not allow provisions to be brought in to them, and shut off their water supply by cutting all the water pipes. He also nominated another prior and installed him in the cloister with an armed force.[2] The pope settled the trouble (1303) by providing that the bishop was to bring with him in visitation two or three clerks, one of whom was to be a religious of their order, a clerical notary, and no others.[3] This particular question seemed very important to all cathedral priories as the idea of secular clerks prying into their affairs was much disliked. At Worcester, clerks could accompany the bishop to the monastery and be present when the temporalities were discussed, but when visitation regarding the spiritualities began, they had to retire.[4]

As to the monasteries, special privileges gave rise to a great variety of conditions. The Cistercians, Cluniacs,

---

[1] Drokensford's *Reg.*, 153.

[2] Raine, *Letters from Northern Registers*, 144; *Papal Letters*, I. 589.

[3] *Papal Letters*, I. 603.

[4] *Reg. Sede Vacante*, 54.

Premonstratensians, and Friars were subject only to the pope. Other large and powerful monasteries, like St. Albans and Evesham, obtained papal bulls freeing them from episcopal visitation. Also the daughter houses of exempt monasteries claimed the same privilege. Thus Great Malvern Priory, a cell of Westminster Abbey (a royal abbey and therefore exempt), carried on a bitter dispute with Bishop Giffard over the question of visitation. Wholesale excommunications were launched on both sides and pope, king and archbishop took a hand in the affair. At length the pope decided that the exemption of Westminster extended to all its cells and priories, including Malvern.[1] Lastly, all royal chapels were exempt from the bishop's jurisdiction and were visited by the Lord Chancellor.[2] This seems like a large amount of exemption, but the number of houses in England belonging to each class was small and formed but a small fraction of the total number in a diocese. Exclusive of the Houses of the Friars, there were in the diocese of Worcester about thirty monasteries and ten nunneries, and of these only seven claimed exemption.[3] Churches appropriated to exempt monasteries were generally visited by the bishop. The monks of Evesham, however, insisted that their papal privileges covered their churches in the vale of Evesham and appealed to Rome (1202) against the bishop's visitation. The case was never decided, and as the prior was to have jurisdiction while the question was pending, the bishop of Worcester was permanently excluded from them.[4]

Other monasteries and most of the hospitals the

[1] Giffard's *Reg.*, 219.
[2] *Rot. Parl.*, I. 62 a; II. 77 b.
[3] Giffard's *Reg.*, introduction, p. LXXXVIII.
[4] *Chron. Abbat. Eveshamensis*, 151–178; Giffard's *Reg.*, 9.

bishops visited freely. There was no rule as to the order or amount and some received much more attention than others. An interesting agreement was entered into, in 1315, by the monasteries of Gloucester, Cirencester, Worcester and Llanthony. They bound themselves by oath to defray by common expense any suit that should arise from any invasion of the liberties of any one of them by the bishop of Worcester. Furthermore, they agreed that while any one of them was in difficulty with the bishop, the others would not receive him.[1] The occasion for this compact was that they considered the bishop was exceeding his rights of visitation.

The inspection of the bishop was so thorough that it is not surprising cathedrals and monasteries tried to avoid it. Bishop Grandisson (1337) with the help of commissioners examined each of the Exeter canons separately on fifty-one questions.[2] The abbot of the important house of Glastonbury was given a lecture by Bishop Shrewsbury (1350) on conducting himself with kindliness and moderation towards the monks. He was also to see that they had enough to eat, "especially bread and beer sufficiently good and decent that they can cheerfully dwell in the state to which God has called them."[3] The reforms ordered show that bishops were striving to have the old rules of monastic life observed at a time when many influences combined to bring about a break down of the whole system. Canons were not to associate or play games with those having corrodies; monks were to cease "the unprofitable habit of wandering about the country side;" all were to assemble in the refectory at meal time and none be allowed to eat apart.[4] Details

[1] *Hist. et Cart. Monasterii Gloucestriae*, I. 140.
[2] Grandisson's *Reg.*, 855.
[3] Shrewsbury's *Reg.*, 606.
[4] *Ibid.*, 604, 710; Grandisson's *Reg.*, 1071.

of financial management, or mismanagement, were examined into with particular care and attention, and the removal of incompetent officials required.

In theory, the visitations of the bishop and his archdeacons were to be supplemented by those of the archbishop. Archiepiscopal visitation did not occur often,[1] but when it was undertaken, it was done thoroughly, as is evident from Peckham's and Mepeham's provincial visitations. The bishop's subjects were cited to certain central churches and underwent an examination, religious houses were inspected, exactly as in episcopal visitation. In accordance with the canon law, the archbishop could correct faults detected in visitation which were of a flagrant nature, all other cases had to be handed over to the bishop or his official for correction.[2] Peckham's suffragans complained that he exceeded his jurisdiction and decided matters which were *non notoriis et occultis*.[3]

The bishop disliked the archbishop's visitation quite as heartily as the cathedral chapter resented his, and for exactly the same reasons. The expense, the interference

[1] Archbishop Mepeham, soon after his accession, (1329) obtained a papal bull stating that inasmuch as the ill-health of his predecessors, Winchelesey and Reynolds, had hindred visitations being made for so many years, doubt had arisen as to the order in which they were taken. He was to visit first his own chapter and diocese, then whatever diocese seemed most to need it. *Papal Letters*, II. 290.

[2] c. 1, 5, in 6, III. XX. Hinschius, *Kirchenrecht*, II. 15, 16. Peckham wrote to the bishop of Exeter that in his visitation of the diocese he had heard accusations against the archdeacon of Cornwall of a notorious character and had granted him a hearing. But the archdeacon, pretending that the matter was not notorious, had secured a trial and purged himself. He now sent the list of charges to the bishop to proceed in his stead and bring the archdeacon to justice. *Reg.*, 364.

[3] Peckham's *Reg.*, 328–332.

with his jurisdiction, and, above all, the searching examination to which he was himself subjected was to be avoided whenever possible. Not only was he questioned on all matters that occurred to the archbishop, but this was the time for the clergy of the diocese, and especially the cathedral chapter, to present their complaints against the bishop, and upon these he was also questioned. At Archbishop Winchelesey's visitation in 1301, Bishop Giffard was examined on thirty-six charges drawn up by the monks of Worcester, from the important charge that he appropriated churches without their consent, to the trivial complaint that members of his train broke utensils of the house during his visitation. William de Dene tells us that Archbishop Mepeham (1329) treated the bishop of Rochester *inhumaniter dure et injuste*, compelling him to clear himself by the payment of a heavy fine.[1]

[1] Giffard's *Reg.*, 548–551; *Hist. Roffensis* in Wharton, I. 369, 370. The following are some of the charges of the Rochester monks: that the bishop did not travel about in his diocese, that he seldom preached, that he had appointed the present prior although he knew him to be illegitimate, that he was impatient and hot-headed, that he put his relatives in office, etcetera.

CHAPTER III.

COLLECTION OF REVENUE.

The collection of taxes, papal, royal, and diocesan, consumed a considerable part of a bishop's time and attention. As Bishop Hobhouse remarked in his introduction to Drokensford's register: "The bishop's energies and offices were largely occupied in the unpalatable work of collecting." The task was delegated in most cases, but the responsibility rested with the bishop. It is worth while to examine the different taxes collected from the clergy of a diocese. For convenience a limited period will be considered, the first half of the fourteenth century.

The oldest papal tax, going back to Saxon times, was Peter's Pence. For each diocese, the amount paid had long since become fixed, and the manner of collecting it was governed by firmly established precedent. Thus at Worcester it was collected by rural deaneries, some of which for other purposes had long ceased to exist. The whole amount for England was small (£199, 6*s.* 8*d.*) and was paid with comparative regularity. Lincoln paid the largest sum, £42; Winchester paid £17, 6*s.*, Exeter, £9, 5*s.*[1] The usual practice was for the rural deans to collect and pay their amounts to the archdeacon, who, in turn, handed them on to the bishop; but in the dioceses of Rochester, London, Winchester and Ely the archdeacons paid directly to papal collector.[2] Popes had long

[1] Jensen, "Denarius Sancti Petri" in Royal Hist. Soc. *Transactions*, XV. n. s., 204-206.

[2] *Ibid.*, 204, Durham paid to the archbishop of York instead of to the papal collector.

complained that much more was collected in the dioceses than found its way into their treasury, but they never succeeded in getting more than the customary amount.[1] In 1337, the papal nuncio charged Bishop Grandisson with keeping part of the Peter's Pence for himself. He replied that he did not receive a penny more than he paid to the Roman Curia, but that the archdeacons reaped the profit.[2] It is quite certain that the archdeacons of Bath and Wells did so from the alacrity with which they appealed to the archbishop if their right of collection was interfered with.[3] At Worcester, the bishop received the surplus. He collected £34, 12*s*. 7½*d*. and paid £10, 5*s*., thus adding £24, 7*s*. 7½*d*. to his annual income.[4]

Another papal tax, introduced during the period under discussion, was first fruits of vacant benefices. Clement V., at his accession (1305), reserved for himself for three years the first fruits, that is, the first year's income, of all benefices which should fall vacant during that time. According to Walsingham, he had borrowed the idea from the English bishops who often petitioned the pope for that privilege upon their elevation to a see.[5] John XXII. followed the example of his predecessor and upon coming into the papal chair (1316) also reserved the first fruits of all vacant benefices for a period of three years, promising one-half the amount collected to the king.[6] Again in 1329, in order to aid the church

---

[1] Jensen, "Denarius Sancti Petri," 185. In 1306, Clement V. commanded the collector, Wm. de Testa, to get a penny from every house.

[2] Grandisson's *Reg.*, 298.

[3] Shrewsbury's *Reg.*, 310.

[4] *Reg. Sede Vacante*, 150.

[5] *Neustria*, 236.

[6] *Papal Letters*, II. 127.

The whole sum collected in England, Wales and Ireland for the first year was £6560, 8 *s*. 9 *d*. Sandale's *Reg.*, 587.

against heretics in Italy (meaning the supporters of Lewis of Bavaria and the anti-pope), he commanded a reservation of first fruits for three years, later extending the time to four years.[1] The king was again to receive one-half the amount. In this way the pope silenced any objection the king might make to having so much money taken out of the realm, and also gained his support in collecting the tax. At Exeter there were thirteen vacancies the first year, eight the second, five the third, and eleven the fourth. The whole amount paid to the papal collectors was £293, 18*s*.[2] The bishop handed all sums to the papal collector, together with a schedule giving a list of vacancies, with date of vacancy and taxation of each benefice. Clement VI., at his accession, likewise reserved the first fruits of all void beneficies for two years and this reservation was twice extended for a period of two years.[3]

A tax which grew less frequent as the century advanced was the papal tenth. It was assessed in accordance with the *Taxatio* of Nicholas IV. This valor, which the pope directed to be drawn up for collecting the sex-

---

[1] Bull given in full in Grandisson's *Register*, 543. Churches falling vacant twice within a year were to be taxed only once. Archiepiscopal, episcopal and abbatial churches were to be exempt, also all churches under six marks in value.

[2] Grandisson's *Reg.*, 736.

[3] *Papal Letters*, III. 5, 9, 40.

Reservation of revenue and reservation of patronage did not go together. It is sometimes stated that popes began by reserving first fruits of benefices conferred by papal provision and the practice spread to the reservation of all benefices. But the three early cases, in 1306, 1316, and 1329, included all benefices, and the idea was more probably borrowed from the bishops, as Walsingham states. Gregory XI., in 1370, reserved first fruits of all benefices to which he provided (Wykeham's *Reg.*, 167.)

ennial tenth granted by him to Edward I. to go on a crusade, was completed for the southern province in 1291 and for the northern in 1292, and was the basis for estimating taxes until the valor of Henry VIII. Under the head of spiritualities it contained a statement of the annual value of every benefice in each diocese and under temporalities the income of ecclesiastics from manors, and other temporal property.[1] The amount given in each case was ratable value, and was without doubt much below the real value. This is clear from the bull of Pope John XXII (1329) reserving first fruits. In leaving a sufficient amount in each benefice to provide for the spiritual duties attached to it, he authorized the papal collector either to take the income as given in the *taxatio* and leave the remainder for the incumbent, or give him the taxed value and collect the remainder for himself.[2] If the full value has not been

[1] The word *spiritualities* is used in two senses in ecclesiastical documents. As in Pope Nicholas' *Valor*, it is applied to the income from benefices as opposed to temporalities, the income from manors, but in speaking of the income of a bishop, archdeacon or other ecclesiastical official, it commonly includes the revenue from benefices plus all money received as fees and perquisites. In this sense it is used in the *Valor* of Henry VIII. The bishop's spiritualities from benefices alone was relatively not worth mentioning; he seldom had more than one church appropriated to his use, and his pensions in other churches were few. The bishop of Exeter received £30, 15 *s.*, according to Henry VIII.'s *Valor*. Accordingly in estimating papal and royal tenths, the work is to be understood in the first sense, in discussing a bishop's income, in the second sense.

[2] *Summa pro qua unumquodque Beneficiorum ipsorum in decima solucione taxatur exigatur et recipiatur. totali residuo Beneficia hujus modi optinentibus remansuro, nisi forte tu aut subcollectores predicti residuum hujus modi pro nobis et Camera nostra velletis recipere et habere, et optinentibus Beneficia hujus modi ad supportanda onera et sustentacionenm habendam summa pro qua Beneficia taxantur in Decima remanere.* (Grandisson's *Reg.*, 544.)

The value of the Bishop of Exeter's manors is given in the *Taxatio* as £461, 18 *s.* 4 *d.* Exclusive of all payments in kind, the money rents from these manors is found in Stapeldon's Register to be a little over £550 (pp. 23–28). It is of little importance that the clergy grumbled at the valuation (see Capes, *English Church*; p. 27). Nothing else could be expected.

nearly twice the assessed value, popes would hardly have left the choice to the collectors.

Pope Boniface VIII. in 1301 imposed a triennial tenth in aid of the Holy Land, one-half the amount collected to go to the king, the other to himself.[1] Clement V. levied a biennial tenth to run during 1307 and 1308 and a triennial tenth to begin the following year. He reserved one-fourth for himself and gave the rest to Edward II. to aid him in undertaking a Crusade.[2] In the Council of Vienne (1311) a sexennial tenth was ordered throughout Europe for the benefit of the Holy Land. In England this had been collected for one year when Pope John XXII. (1317) suspended the order and loaned the amount collected to the king.[3] Needing money for his war against Lewis of Bavaria, in 1329 he imposed a tenth for four years, the king to receive one-half the sum collected.[4] Four years later he issued a bull levying a sexennial tenth for the crusade under the leadership of Philip of France. As this crusade never started, the bull was withdrawn in 1337, and the money which had been collected for one year was ordered to be returned, but in England it was granted to the king as an extra tenth.[5] Thus in the half century six different tenths were levied by the pope, and collected for fourteen separate years. Only twice were they collected solely for the Church and were in both cases finally granted to the king.

Of all taxes, tenths were hardest to collect. Peter's Pence was a small tax, first fruits fell on vacant benefices and could be demanded from the incumbent upon institution, but tenths dragged on for years. In 1313

---

[1] *Papal Letters*, I. 598, 599.
[2] Rymer, *Foedera*, I. pt. IV., 56, 68.
[3] *Papal Letters*, II. 138.
[4] *Ibid.*, II. 494.
[5] *Ibid.*, II. 534; Murimuth, *Chron.*, 78.

Bishop Kellawe was still collecting the sexennial tenth imposed by Pope Nicholas IV. in 1291.[1] Pope John XXII. was a particularly efficient administrator and early in his pontificate endeavored to gather in the amounts due from the sexennial tenth of Nicholas IV., the triennial tenth of Boniface VIII, and the first fruits of Clement V.[2] In 1328, he wrote to his collector that part of the Holy Land tenths of Gregory X. [levied in 1274], Boniface VIII. and Clement V. was still unpaid and measures were to be taken to collect it.[3] His own taxes were more systematically paid and the amounts sent to Rome larger than under his immediate predecessors.

The fourth and last papal tax[4] was for the expenses of the papal nuncios sent to England. There were two classes of papal legates. The collector who took charge of papal taxes and received the money paid in from the different dioceses was usually a legate sent from Rome for that purpose and the English clergy were required to raise a sum for his expenses. To the second class belonged those who came upon diplomatic missions. While the collector did not ordinarily occupy a high place in the Church, the latter were ecclesiastics of high rank, generally Roman cardinals. The pope took pains to specify in the bull of appointment the amount the legate was to receive. For an ordinary collector of revenue this was usually seven shillings a day.[5] If the diplomatic mission was brief, the tax for the nuncios was also reckoned by days, but

---

[1] *Reg. Pal. Dun* , I. 420.

[2] *Papal Letters*, II. 425.

[3] *Ibid.*, 486.

[4] The yearly cess of a thousand marks was a feudal tax paid by the king, when paid at all, and was not collected from the clergy. The pope received additional revenue from England, but it was derived from individual payments.

[5] *Papal Letters*, II. 117, 126, 453, 485.

was, of course, much higher, the archbishop of Ravenna, for example, receiving (1345) fifteen gold florins a day.[1] In such case the archbishop estimated the tax that would be necessary and ordered its collection throughout the province; in the particular instance of the archbishop of Ravenna ordering a tax of a quadrant on every forty shillings.[2] When the nuncios staid a year or more, the papal bull usually authorized them to receive the procurations customarily paid to a Roman cardinal. This was a well understood tax, four pence per mark, or a fortieth of both spiritualities and temporalities.[3] Usually two legates came together but they shared the fortieth and only occasionally succeeded in getting a fortieth apiece. The amount of the fortieth for Exeter was £111, 10 *s.* 6 *d.* for the diocese and £12, 10 *s.* 11½*d.* for the bishop; for Durham, it was £236, 8 *s.* 4*d.* for the diocese, and £66, 13 *s.* 4 *d.* for the bishop.[4]

From the nature of the case the frequency of these diplomatic missions varied. Two cardinals came to England in 1317 to further the truce between England and Scotland, and received a fortieth from the English clergy.[5] But from the beginning of the fourteenth century to the outbreak of the Hundred Years War there were few such embassies. After 1338, however, there was a constant succession of important legates. Cardinals Peter Penestrini and Bertrand de Aquiro, sent in 1338 to make peace between England asd France, were employed on that mission for three years, receiving a fortieth each year.[6] After the accession of Clement VI. (1342) there

[1] Grandisson's *Reg.*, 992.
[2] *Ibid.*, 994; Wilkins, *Concilia*, II. 535.
[3] Grandisson's *Reg.*, 904, 931, 976; *Reg. Pal. Dun.*, III. 489.
[4] Grandisson's *Reg.*, 868, 876; *Reg. Pal. Dun.*, III. 489, 492.
[5] Sandale's *Reg.*, 44; *Papal Letters*, II. 127.
[6] Grandisson's *Reg.*, 868, 904, 931.

was an added reason for the presence of papal nuncios in England in the increasing opposition of Parliament to papal provisions. Legates were sent to protest to the king against any interference with papal privileges.[1]

The tenth, or other fraction of their income, was almost the only royal tax granted by the clergy. In addition to the papal tenths in which the king shared, the clergy raised twenty tenths, a fifteenth, a fortieth and a three-fortieths between 1300 and 1350. In only a few cases did they pay more than a tenth in any one year; consequently, the process of collection was practically continuous.[2]

---

[1] Knighton, II. 1344; Murimuth, *Chron.*, 161.

[2] The following is a statement of the papal and royal tenths (1300–1350). The dates given are the dates of the grants. References for the papal tenths have already been given; royal tenths are most conveniently found in Stubbs, *Const. Hist.* II:

1301—Triennial Tenth of Boniface VIII.
1307—Biennial Tenth of Clement V.
1307—Fifteenth—granted by both convocations.
1309—Triennial Tenth of Clement V.
1310—12 *d.* per mark—granted by convocation of Canterbury.
1313—4 *d.* per mark—granted by both convocations.
1314—12 *d.* per mark—granted by convocation of York.
1315—Tenth—granted by both convocations.
1316—Tenth—granted by both convocations.
1317—First year of Holy Land Tenth received by king.
1319—Tenth—granted by both convocations.
1320—Tenth—granted to king by pope.
1322—Biennial Tenth granted to king by pope.
1322 5 *d.* per mark—granted by convocation of Canterbury.
1327—Tenth granted by both convocations.
1329—Quadrennial Tenth of John XXII.
1334—Tenth granted by both convocations.
1336—Holy Land Tenth given to king.
1336—Tenth—granted by both convocations.
1337—Triennial Tenth—granted by both convocations.
1338—Tenth—granted by both convocations.
1340—Biennial Tenth—granted by convocation of York.
1342—Tenth—granted by both convocations.
1344—Triennial Tenth—granted by both convocations.
1346—Biennial Tenth—granted by convocation of Canterbury.

The clerical privilege of voting their own taxes in convocation and collecting them in their own way[1] had its bright side for the lay officials, who were thereby relieved of a burdensome task. Royal taxes were collected somewhat more promptly than papal, for the king was close at hand and could more readily levy upon the collector's property for arrears. The bishop appointed subcollectors to collect the tenths and empowered them to compel payment by ecclesiastical censure. He usually appointed the cathedral chapter, or an abbot or prior, as the money could be kept more safely by them. They, however, looked upon it as a disagreeable duty, to be escaped if possible. Bishop Drokensford in commissioning his chapter to collect the sexennial tenth in 1317, sent at the same time a letter under the small seal urging them to accept the commission, and also one to the dean with the same object.[2] He further wrote out an alternative commission to Glastonbury Abbey, in case they declined. A bitter controversy arose between the Bishop of Norwich and the monastery of St. Albans over the same matter. The bishop appointed the prior of Wymundham collector of the fifteenth granted to the king in 1380. The prior refused to serve, urging that he was subject to St. Albans, an exempt monastery. The question was settled by the king, who granted that neither the abbot nor the priors of his cells should be collectors of any royal subsidy.[3]

---

[1] In 1378 the clergy complained to the king in parliament that their right of collecting taxes was interfered with by royal officials. He replied: "*Les Clercs sont tenez et accoustumez de paier les Dimes de leur Benefices et de toutes autres lour possessions espiriteles a lour Prelatz . . . et neyure a laies gentz per aucune voie.*" *Rot. Parl.* III. 48 b. 52 b.

[2] Drokensford's *Reg.*, 120.

[3] *Chron. Angliae*, 258-260.

The bishop or subcollector sent in with the money a list of all persons in arrears, and after one or two general mandates to collect these arrears, royal writs were directed to the sheriff to levy on the property of the delinquents. If they had no lay fee the order was transferred to the bishop: "Because the clerks underwritten are beneficed in your diocese, having no lay fee as Thomas Carey, our sheriff of Somerset and Dorset, has testified, we command that you cause the debts underwritten to be levied from their ecclesiastical goods and benefices, namely, from the rector of Portland, 40 *s.*, for the biennial tenth granted to us by the clergy in the 12th and 14th years of our reign. From the rector of Worth and Swanewych 4 *li*, 4 *s.*, et cetera."[1] Consequently, the registers are full, on the one hand, of writs of *levari facias* addressed to the bishop; on the other, of bishop's mandates to sequester the property of clerks. Bishops were not as expeditious as kings considered they ought to be. Many of the writs read: "We command you, as many times we commanded." "Know that you will be gravely fined in that you do not execute our mandate several times directed to you." "We have often written to you to cause the money of the second year of the biennial tenth to be levied, about which you have been lukewarm and remiss, at which we wonder."[2] The bishop often replied that the clerk had sold his grain and there was nothing to sequester, or that he had sequestered the required amount but could find no buyers.[3] Collection was a laborious task and even the efforts

---

[1] Shrewsbury's *Reg.*, 645. Writ is dated Oct. 11, 24th year of our reign. Some of the amounts were ten years overdue.

[2] Shrewsbury's *Reg.*, 206, 213, 214, 569; Stapeldon's *Reg.*, 421; Drokensford's *Reg.*, 56.

[3] Stapeldon's *Reg.*, 421; Wykeham's *Reg.*, II. 567.

of a zealous bishop proved inadequate for the ever-pressing need of the king.[1]

Archiepiscopal taxes were very uncommon. The clergy might grant them in convocation, but the archbishop could not impose them without papal license. In 1300, the Convocation of London voted four pence per mark to pay the archbishop's debts. Again in 1352, Archbishop Islip, by papal privilege, levied four pence per mark on his province.[2]

All diocesan taxes have still to be considered. These might be classified as regular and special. There were two annual payments made in all dioceses, synodals and pentecostals. Every beneficed clerk, unless especially exempted, owed yearly to the bishop a small payment "in honor of the cathedral church and in token of subjection to it."[3] It was called *cathedraticum* and also *synodaticum* or *synodalium* because it was originally paid at the bishop's synod. In his synodal constitutions of 1289, Gilbert, Bishop of Chichester, provided that those who did not pay their synodals before leaving the synod were to pay a double amount.[4] In the fourteenth century, however, this tax was collected in many dioceses by the archdeacons, who had also acquired the right to retain part of it for themselves. Synodals are mentioned in the *Valor Ecclesiasticus* of Henry VIII. as part of the archdeacon's income in most dioceses. According to the Decretals of Gregory IX., two shillings was the proper payment from each benefice, and that

[1] The king reproached Bishop Grandisson with being negligent in collecting. He replied that he had already, although with much difficulty, done more than all the others in the province of Canterbury. *Reg.*, 69.

[2] Wilkins, *Concilia*, II. 260, 261; III. 26.

[3] Dansey, *Rural Deans*, I. 417.

[4] Wilkins, *Concilia*, II. 180.

sum seems to have been usual, although by no means invariable.[1] The bishop of Worcester received annually from synodals £12, 19 *s.* 8 *d.* in the archdeaconry of Gloucester, and £5, 8 *s.* in the archdeaconry of Worcester, while the archdeacon of Worcester received £2, 17 *s.*[2]

It was an old custom for some one from each household to go to the cathedral church on the feast of Pentecost and make an offering of a farthing.[3] Pentecostal processions with banners gaily flying came from the different parishes. Trouble sometimes arose on the way and a fight ensued, so that bishops were compelled to order that no one was to join in a procession with sword or other arms.[4] Those who did not come to the cathedral were expected to send their offerings by the parish priest.[5] Pentecostal farthings did not always fall to the bishop, but in some dioceses belonged to the cathedral.[6] At Worcester the bishop received the pentecostals from the archdeaconry of Gloucester, while the sacristan of the cathedral received them from the archdeaconry of Worcester. Both in the diocesan register and in the valor of Henry VIII., the former amount is given as the definite sum of £5, 8 *s.*[7]

The clergy might agree to grant special taxes for any diocesan object, but the bishop could not impose them

---

[1] c. 16, X. I. XXI; *Reg. Sede Vacante*, 326.

[2] *Reg. Sede Vacante*, 133, 222, 435. The same figures are given in Henry VIII's valor, III. 219, 227.

[3] *Lincoln Cathedral Statutes*, pt. I, 307.

[4] Giffard's *Reg.*, 422.

[5] Wilkins, *Concilia*, II. 161. *Lincoln Cathedral Statutes*, pt. I. 307.

[6] At Bath and Wells (Shrewsbury's *Reg.*, 288). At Winchester (Wykeham's *Reg.*, II. 410).

[7] *Reg. Sede Vacante*, 435. *Valor Ecc. Henry VIII*, III. 219.

without papal license. A tax which was granted so frequently in the fourteenth century as to become almost a customary tax, was the aid voted to a new bishop to defray the expenses of his election. If the see was filled by papal provision, there was, besides the necessary presents, a heavy obligation to be discharged to the Papal Camara, amounting to at least a third of the taxed value of the see.[1] If the bishop was elected, he was expected toproceed to Rome within a month to seek papal confirmation.[2] The election was seldom confirmed with out opposition and the delay was long and expensive. Piteous was the plight of Bishop Hethe of Rochester who waited two years at Avignon for his confirmation.[3] In addition there was the expense consequent upon consecration and enthronement. Moreover, the king enjoyed the temporalities of all sees during a vacancy and was entitled to the fruits of all land sown during that period, even if the temporalities were restored to the bishop before harvest. Consequently there was nothing on hand to meet these heavy expenses.[4] The clergy of the diocese of Rochester taxed

---

[1] Bishop Grandisson, in trying to reduce the demands made upon him, offered to pay a third of the taxed value of his see *prout de antiqua consuetudine fuit per promotus apud Sedem Apostolicam hoctenus usitatum. Reg.*, 324.

[2] c. 16, in 6, I. VI.

[3] Wm. de Dene, *Hisl. Roffensis*, in Wharton, I. 361.

[4] Stapeldon wrote at the beginning of his episcopate: "I am destitute even to nakedness; the storehouses on the Episcopal Manors are empty and although the fields are clothed with crops, they were sown during the vacancy and belong to the king. The days are evil." *Reg., s.*

A bishop's income was very largely derived from his temporalities. In Henry VIII's *Valor*, the bishop of Exeter's income from temporalities is estimated at £1441, 17 *s.*, his income from spiritualities at £150, 10 *s.* (II. 289), and the proportion is about the same in the other dioceses. The Bishop of Bath and Wells requested Pope John XXII. to increase his income from spiritualities, as it amounted only to £20 annually. Reynolds, *Wells Cathedral*, 161.

themselves twelve pence per mark to aid Bishop Hethe.[1] Bishop Kellawe of Durham and Bishop Shrewsbury of Bath and Wells were given a tenth for the year following their consecration.[2] Bishop Grandisson was helped out by individual contributions. He wrote personally to the heads of religious houses explaining his financial difficulties, and ordered the archdeacons to call together their clergy and ask them to subscribe, "not as a body, but each one according to his ability."[3] If there was danger that the clergy would refuse, the bishop armed himself with a papal privilege. In 1345, the pope granted an indult to demand "a charitable subsidy" from the clergy of their diocese to the bishops of Ely, Durham and Winchester, all of whom he had just provided to their sees.[4]

Finally, it ought to be stated that in different dioceses, by law or long established custom, the bishop received various payments. The bishop of Exeter, for example, received a tithe of tin, the bishop of Winchester possessed a half of the fruits of vacant benefices, and the bishop of Norwich was entitled to collect first fruits.[5]

---

[1] William de Dene, *Hist. Roffensis* in Wharton, *Anglia Sacra*, I. 36.

[2] *Hist. Dunl. Scrip. Tres., doc.* No. 87; Shrewsbury's *Reg.*. 136.

[3] Grandisson's *Reg.*, 355, 361.

[4] *Papal Letters*, II. 189, 216. For other instances, see *Ibid.*, 213, 250, 252, 331.

[5] Stafford's *Reg.*, 348; Wykeham's *Reg.*, II. 8. *Papal Letters*, II. 18.

CHAPTER IV.

LEGISLATIVE AND JUDICIAL WORK.

The lawmaking power of the bishop was exercised with varying degrees of formality. When he learned upon visitation that his court needed reforming, he drew up statutes for its guidance and required the members to take an oath to obey them.[1] In the same way, when he discovered through visitation, or otherwise, that the cathedral, monasteries, or collegiate churches might be better administered, he sent a set of regulations to be observed. They consisted generally of rules to make the practice from day to day conform more nearly to the theory found in the general statutes of those churches or monasteries and did not affect their general organization.[2] Statutes dealing with important matters relating to the constitution of the cathedral chapter were drawn up by bishop and chapter together.[3] At Wells, however, the bishop could make no statutes binding upon the cathedral without the consent of the chapter.[4]

Formal statutes regulating the churches throughout the diocese were usually published by the bishop in the diocesan synod. The synod was an assembly at which all the clergy of the diocese, including priors and abbots,

---

[1] Grandisson's *Reg.*, 807, 808; Wilkins, *Concilia*, 495–497, 571–574.

[2] Grandisson's *Reg.*, 1007, 1011, 1056, 1072, 1073; Wykeham's *Reg.*, II. 472.

[3] Bronescombe's *Reg.*, 76.

[4] Reynolds, *Wells Cathedral*, p. c. III.

were present in person or by proctors.[1] The old church councils directed that they should be held once or twice a year.[2] References in later constitutions seem to indicate that they continued to be so held in most dioceses during the fourteenth century,[3] although strangely enough, the bishops' registers make almost no mention of them. The Winchester statutes of 1308 provided for an annual synod;[4] Bishop Kellawe's statutes for Durham called for two meetings a year, on the Monday after the feast of St. Michael and on the Monday after Easter, the absent to be canonically punished.[5] At Ely, also, synods were held twice a year.[6] According to the Sarum and Exeter pontificals the sessions lasted three days.[7]

The purpose of the synod was to take into consideration all matters affecting the interests of the church. Taxes were levied for diocesan purposes or an aid granted to the bishop. The clergy made their complaints to him and he caused inquiries to be made and thus gave it the character of a general visitation. The following are some of the questions treated in Giffard's synod, held in 1300. As to a pension paid to the abbot of Oseneye; as to the shutting up of nuns; whether Ralph de Vasto Prato, rector of the churches of Wythiudon and Barclyve,

---

[1] *Reg. Pal. Dun.*, III. 573; Wilkins, *Concilia*, I., *introduction*, p. 7. Probably the clergy were largely present through proctors. Rectors appointed regular proctors to attend synods and rural decanal chapters for them. (Drokensford's *Reg.*, 178).

[2] Wilkins, *Concilia*, I. 365. Council of Winchester (1076),

[3] *Ibid.*, II. 57. Statutes of Archbishop Peckbam (1281) *quod jurent decani Se fideliter facturos in Episcopali synodo omni anno;* Lyndwood, *Provinciale*, 68.

[4] Wilkins, *Concilia*, II. 301.

[5] *Reg. Pal. Dun.*, III. 573.

[6] Jessopp, Hist. Mss. Comm. *Report*, XII, pt. IX, p. 379.

[7] Maskell, *Monumenta Ritualia*, I. 266–272.

ought to be deprived; regarding the chantries which the archdeacon of Gloucester writes are not yet dedicated; whether it were better to satisfy the bishop of Llandaff for his expenses in coming to Gloucester.[1]

The consent of the clergy to the bishop's statutes was not asked. They were published, *lectae et publicatae*, in the synod because in that way they could directly reach all the clergy and doubtful points could be explained by the bishop to those who did not understand. They might cover a great many subjects, from the regulation of the rites of baptism and confirmation to ordering that the parishioners should stay quietly in church until the service was ended instead of collecting in noisy groups in the churchyard.[2] Bishop Quivil's statutes (1287) contained fifty-five chapters.[3] They related to the administration of the sacraments and sacred offices of the church, the conduct of the clergy, the care of church property, the punishment of crimes; in brief, they covered the whole range of subjects under the supervision of the bishop and were considered so important that every church was required to have a copy in its possession.[4] Nothing could be decreed contrary to the canon law or the constitutions of the archbishop. In fact, the statutes were largely a restatement of provincial constitutions with slight variations at times to conform to local custom.

The position of the bishop in the provincial convocation was exactly like that of a rector in the diocesan synod. He was compelled to attend in person or by proctor, took part in voting tenths, in addressing peti-

---

[1] Giffard's *Reg.*, 514–517.

[2] Wilkins, *Concilia*, II. 184, Statutes of bishop of Chichester.

[3] *Ibid.*, II. 129–168.

[4] Stapeldon's *Reg.*, 581.

tions and remonstrances to the king, and in discussing all matters that came up in convocation; but in drawing up the provincial statutes he had no part. They were the work of the archbishop and were merely promulgated, not voted upon, in convocation. If a bishop's advice was asked in connection therewith, it was because the archbishop desired it, not because he was compelled to consider it.[1]

Organization of the Ecclesiastical Courts. The judicial work of the bishop was rendered more complex in that he was both a priest and a ruler of a diocese. The spiritual welfare of men, as well as the maintenance of law and justice, was an end which he kept constantly in view. So a crime had a twofold aspect; it was a sin which endangered the soul of the offender, unless he were brought to expiate it with a penitent heart, and also a defiance of established authority and punishable as such. Accordingly the canon law recognized two tribunals, the *forum internum*, or *forum conscientiae*, and the *forum externum*. While the latter corresponded to the courts of the political state, breakers of the law being brought before it whether they chose or not, the *forum conscientiae* operated through the confessional and could not reach the offender unless he repented and voluntarily came before it for sentence. It addressed itself to the conscience and with it all transgression was sin against God.[2]

In the *forum internum*, for those actions which were relatively insignificant the parish priests were the confessors, but those of public scandal or of a serious nature came under the cognizance of the bishop or his deputies,

---

[1] Lyndwood *Provinciale*, 32.

[2] Santi, *Praelectiones Juris Canonici*, I. 339–341.

unless reserved to the pope. A definite list of cases reserved to the Holy See was not settled by pope or council, and the number varied from time to time.[1] By decree of the second Latern Council (1139) any one who, at the instigation of the devil, laid violent hands on any clerk, became *ipso facto* excommunicated and could only receive absolution from the pope.[2] In practice, however, if the assault was slight the bishop disposed of the matter.[3] In the Exeter synod of 1287, Bishop Quivil enumerated twenty offenses which required absolution by the pope. Among them were assault on clerks, arson, destruction of ecclesiastical property, usury and simony.[4] But to go to Rome was out of the question with many offenders, so that in case of sickness, old age, penury, danger, or any reasonable impediment the bishop was allowed to grant absolution, on condition that when the impediment was removed the journey to Rome would be undertaken.[5] Moreover, when the pope or the papal legate granted absolution, he very frequently handed the culprit over to the bishop to prescribe for him salutary penance.[6] Again, popes issued to bishops, as a mark of favor, bulls authorizing them to grant a certain number of absolutions for offenses not otherwise within their power.[7] Thus, the papal cases were, to a large extent, in the hands of the bishops. Outside of the papal cases, the field that a bishop reserved for himself was a matter

---

[1] Lea, *Hist. of Confession and Indulgences*, I. 321–325.

[2] c. 29, C. XVII. qu. 4. *Si quis suadente diabole.*

[3] Grandisson's *Reg.*, 712; *Reg. Pal. Dun.*, I. 481.

[4] Wilkins, *Concilia*, II. 166.

[5] Grandisson's *Reg.*, 441, 484, 526.

[6] Lea, *Formulary of the Papal Penitentiary*, 89, 90, 100, *et passim.*

[7] Grandisson's *Reg.*, 139.

for his own determination.[1] Accordingly it varied greatly in extent, an easy going prelate reserved little, while an over zealous bishop left almost nothing for the parish priests.

It was impossible for the bishop to hear all who desired to confess to him and a penitentiary-general was appointed in each diocese. At Exeter he was the subdean of the cathedral, an arrangement made by Bishop Quivil in 1284 when, with the consent of the chapter, he endowed the office of subdean and provided that he who held it should be the bishop's penitentiary-general and go through the diocese once a year and abolve those who were unable to come to Exeter.[2] In addition, to supplement the work of both the penitentiary-general and the parish priests, two or more penitentiaries were licensed in each archdeaconry. Ordinarily they had cognizance of certain of the reserved cases while the bishops kept the remainder in their own hands.[3] Grandisson more than once found that his penitentiaries, *que sua sunt pocius quam Jhesu Christi querentes*, were exceeding their powers and was forced to revoke their commissions and appoint others.[4]

Directly after the organization of their orders, the friars were privileged by the pope to hear confessions. Such an invasion of the jurisdiction of the secular clergy was opposed by the bishops, and a struggle ensued which resulted in the compromise of Clement V. by which the friars were required to obtain licenses from the bishops, and were prevented from hearing episcopal cases, unless especially authorized.[5] The regis-

[1] Lea, *Hist. Confession and Indulgences*, I. 313–315.
[2] Bronescombe's *Reg.*, 324.
[3] Stapeldon's *Reg.*, 144; Grandisson's *Reg.*, 558, 1144; Wykeham's *Reg.*, II. 362.
[4] Grandisson's *Reg.*, 557, 780, 1135.
[5] C. 2, Clem. V. III. V., *Super cathedram.*

ters contain an annual list of licenses granted to friars, and from time to time monitions against those hearing confessions without troubling to obtain them.[1] On account of their wandering life and papal privileges, the bishop could control the friars but little and this power of theirs was bitterly resented. His feeling is expressed by Matthew Paris when he complains that the people could say: "Let us do what we please; some one or other of the preaching brothers will pass this way —one whom we never saw before and never shall see again. To him, when we have done what we will, we can confess without trouble and annoyance." For each deanery the bishop also appointed penitentiaries to hear the confessions of the local clergy.[2] Noblemen and important ecclesiastics often confessed to the bishop himself.[3] In 1313 Bishop Drokensford admonished all rectors, regulars, and lay nobles to come to him once a year to reveal their soul's state.[4] Numerous licenses were granted to noblemen or other influential persons by pope and bishops allowing them to choose their own confessor.[5] Altogether, the penitential system was so well organized that, aside from his control over papal cases, the bishop's work lay rather in overseeing the conduct of his deputies than in hearing any large number of confessions himself. The penance imposed after confession did not differ in any way from that which followed conviction in the *forum externum*.

When a judicial tribunal administered a system of law

---

[1] Grandisson's *Reg.*, 1108, 1128.

[2] Stapeldon's *Reg.*, 113-114; Grandisson's *Reg.*, 1146.

[3] Lea, *Hist. Confession and Indulgences*, I. 230.

[4] Drokensford's *Reg.*, 151.

[5] *Papal Letters*, II. 404, *et passim;* Grandisson's *Reg.*, 553.

of its own, and its competence extended to so many persons and covered so many cases as did that of the mediaeval court Christian, the work of the bishop in the *forum externum* was necessarily very important. As in the consideration of the administrative activity of the bishop, attention will first be given to the persons or judicial machinery through which the work was carried on.

The bishop's principal organ for the administration of justice was the consistory court. It held regular sessions once a month or every three weeks.[1] How long they ordinarily lasted no records are available to determine, but at Exeter it was complained to the bishop that the officials of the archdeacon left after the fourth day, before the business of the consistory was finished.[2] Some part of the cathedral buildings was set apart for the use of the court, and there for the most part the sessions were held, but at times they took place in different parts of the diocese.[3] In the diocese of Worcester, four regularly constituted consistory courts were conducted by the official, each having separate rolls and registers, namely, at Worcester, Gloucester, Warwick and Bristol.[4] But more often there was one court which to a certain extent was itinerant. In 1293, Archbishop Peckham ordered the official of the bishop of Hereford to hold consistories only at Hereford, Ludlow, Monmouth, or Ross, as the people were greatly inconvenienced by having to attend in out of the way places.[5]

The judge of the court was the bishop's official. The

---

[1] Wilkins, *Concilia*, II. 148, 699.
[2] Stapeldon's *Reg.*, 119.
[3] Wilkins, *Concilia*, II. 699.
[4] *Reg. Sede Vacante*, 138.
[5] Peckham's *Reg.*, 1073.

official had risen to his present important position during the thirteenth century, when, on one hand, the increasing use of civil law procedure in the ecclesiastical courts rendered necessary a judge who was a trained lawyer, and, on the other, the archdeacon, due to the independent position he had usurped and the jealousy felt by the bishop toward him, was no longer eligible. Some permanent assistant the bishop had to have and the official stepped in to fill the gap. He was appointed by the bishop to serve during pleasure,[1] and was often, but not always, a canon of the cathedral.[2] The most important qualification was that he should be well trained in the law.[3] The bishop also appointed during pleasure at least one judge delegate, who held consistory in the official's absence. He was designated by various titles, commissary general of the bishop, commissary of the consistory, or commissary of the bishop's official.[4] Bishop Burghersh of Lincoln drew up some statutes for the regulation of his consistory in 1334, in which he decreed that the official was to be present at each session unless prevented by reasonable cause.[5] But Bishop Grandisson provided that his official *propter excellenciam sui oficii et persona* should take cognizance only of the more serious crimes and offenses.[6] In his

---

[1] Drokensford's *Reg.*, 216; Wykeham's *Reg.*, II. 265.

[2] Drokensford's *Reg.*, 314; Grandisson's *Reg.*, 481; Sandale's *Reg.*, 28.

[3] Drokensford's *Reg.*, 216; Wykeham's *Reg.*, II. 265; Fournier, *Les officialités*, 18.

[4] There was one at Exeter, mentioned as commissary of the official by Stapeldon (*Reg.*, 116), called both commissary-general of the bishop and commissary of the consistory by Grandisson (*Reg.*, 494, 693).

[5] Wilkins, *Concilia*, II. 571.

[6] Grandisson's *Reg.*, 808.

absence the commissary was to hear cases. According to the statutes of Bishop Kellawe, issued in 1312, a commissary was to reside at Durham and, in the absence of the official, judge minor cases and others where haste was necessary.[1] The official differed from other judges appointed by the bishop in that while they were judges delegate, he was judge ordinary, that is, his decision stood for the bishop's decision and appeal from it went to the archbishop.[2]

All ecclesiastical courts contained a number of trained advocates similar to the advocates of the civil law. A thorough legal knowledge was required for the office. Archbishop Peckham (1281) proclaimed that no one could be an advocate unless he had studied the canon and civil law for three years.[3] However, in the consistory courts the time was regularly longer, at least the five years required by the civil law.[4] At Lincoln the advocate had to have studied six years and been present at the pleading of cases one year before he could be licensed.[5] There, and probably elsewhere, he was required to wear a long gown, or *epitogia*, to distinguish him from the other members of the court.[6] Archbishops and bishops felt it necessary to limit the number in their courts. The Lincoln statutes fixed it at fourteen unless, there was special need for increasing it at any time.[7]

---

[1] *Reg. Pal. Dun.*, III. 580.

[2] c. 3, in 6, II. xv., Lyndwood, *Provinciale*, 105. In Kellawe's register is given a letter of appeal from a judgment of the commissary of the official (*Reg. Pal. Dun.*, 85).

[3] Wilkins, *Concilia*, II. 61.

[4] Lyndwood, *Provinciale*, 77.

[5] Wilkins, *Concilia*, II. 573.

[6] *Ibid.*, 572.

[7] *Ibid.* At Canterbury the number was limited to sixteen, (*Ibid.*, 205), at York to twelve, (*Ibid.*, 410).

Within the statute limit the number varied in the same court from time to time, as the witnesses testified to Bishop Stapeldon on his visitation of his consistory in 1323.[1] Bishops could, and did, appoint them in excess of the number allowed in their ordinances.[2]

The principal duties of the advocate were to draw up all the important papers in the conduct of a case, to examine the process of a trial entered on the register and order the correction of any errors, and to plead the causes of clients before the judge.[3] Upon admission they took an oath to discharge faithfully their duty, not to argue any case which seemed to them unjust, or use any but honest means to win a suit.[4] Archbishops and bishops endeavored by statutory enactments to lessen the confusion the advocates created in court by interrupting each other and all talking at once. The Synod of Canterbury (1295) authorized suspension of *advocatos et procuratores garrulos*.[5] In Bishop Beaumont's statutes we read: "We prohibit advocates and proctors from making a tumult in the consistory while the official or his commissary is present; but in addressing him or in speaking we require them to show him proper respect; and when one is speaking the others are to keep silent and each speak in turn as is fitting."[6]

---

[1] Stapeldon's *Reg.*, 118.

[2] Grandisson appointed an advocate in 1328, and another in 1332 *non obstante statuto de certo advocatorum numero.*

[3] Wilkins, *Concilia*, 572–3; Fournier, *Les officialités*, 32–35.

[4] *Reg. Pal. Dun.*, III. 579; Wilkins, *Concilia*, II. 572

[5] Wilkins, *Concilia*, II. 206.

[6] *Ibid.*, 496. The conditions legislated against in these statutes are just what Stapeldon was informed existed in his court. Advocates "do not treat with fitting respect either the judge or their associates, but interrupt the speeches of their associates, and are garrulous oftentimes and quarrel disgracefully, and this is true of all advocates." (*Reg.*, 117).

In earlier times parties were accustomed to manage their own suits in the ecclesiastical courts, but as the procedure grew more technical they became increasingly incompetent to do this and adopted the practice of handing them over to trained lawyers, or proctors. In order to lessen confusion and establish a certain standard of efficiency, bishops came to prohibit any proctors in their courts without their special license. Accordingly, connected with each consistory in the fourteenth century was a body of proctors licensed by the bishop and hired by litigants to have charge of their cases. They had to possess legal training. At Lincoln a four years' course in the civil and canon law was necessary.[1] The office of proctor appears to have been commonly an intermediate step to that of advocate; three out of nine proctors of the Exeter court in 1323 were expecting to become advocates.[2] Their number, also, was limited by law.[3] A person could, and did, employ several proctors for one suit. Archbishop Winchelesey in order to prevent one side stealing a march on the other and hiring all the proctors in his court of Arches, ordered that each side should be contented with two.[4]

The relation between proctors and advocates was similar to that which exists betweenattorneys and barristers in England at the present time. The proctors supplied the advocate with all necessary documents and information, and consulted with him regarding the conduct of their cases. They were strictly prohibited from encroaching upon his powers by independently drawing up charges and other official papers, or by pleading suits.[5]

[1] Wilkins, *Concilia*, II. 572.

[2] Stapeldon's *Reg.*, 116.

[3] *Ibid.* Sixteen was the limit at Lincoln (Wilkins, II. 572).

[4] Wilkins, *Concilia*, II. 206.

[5] *Ibid.*, II. 206, 411, 495, 572.

Like the advocates they took an oath upon receiving their license, an important sentence of this being that they would not desert clients in the midst of a suit.[1] Advocates and proctors were almost always in minor orders. A priest was forbidden to act as either, unless in a case involving himself, or his church, or the lord in whose house he served, or, finally, the poor.[2] In all such cases he served without pay. Although both advocates and proctors were paid by their clients, bishops interfered if they thought extortionate charges had been made [3]

A fourth necessary official of the English consistory was the examiner.[4] As the name indicates, he took the testimony of witnesses. They were not interrogated in the open court, but the judge handed a list of questions, *articuli*, to the examiners, who then took the testimony in private. This was recorded in full by their clerks, and the written document presented to the judge.[5]

---

[1] *Wilkins, Concilia*, II. 572.

[2] *Ibid.*, I. 674; II. 205; Fournier, *Les officialités*, 33.

[3] The archbishop of York went further and in 1311 fixed a schedule of fees. (Wilkins, II. 410.)

[4] Fournier does not mention examiners for France. There the witnesses brought to court were examined by the judge or, especially in the north of France, by a notary (*Les officialités*, 188, 189).

In France it was customary for the official to ask the advice of one or more trained lawyers before deciding important cases. These *assessores* were often advocates in the consistory. He was not bound to follow their advice (*Ibid.*, 25, 26). This does not seem to have been the regular practice in England. There is a mention of such *assessores* in Winchelesey's statutes (1295) but it does not appear to refer to a general custom: *partes viros sapientes, providos, et fideles, non tamen advocatos curiae vel ministros procurare valeant, ut gratis, . . . assideant, judici sanum consilium justum et fidele daturi, cum a judice fuerint requisiti* (Wilkins, II. 207).

[5] Stapeldon's *Reg.*, 117–119.

There were two examiners in the Exeter court, and it was a rule of the York and Durham consistories that they should never have more than that number.[1]

Other members of the courts were the registrar and one or more notaries. The registrar was expected to be present at all sessions and take down all proceedings. When unable to do this, a notary took his place.[2] The citations of the court were in part directed to the archdeacon to be served, in part served by an official called the apparitor-general. This official was appointed by the bishop to serve during pleasure.[3] It was an unpopular office; on one occasion the apparitor of the bishop of Winchester was seized by a mob while discharging his duty and beaten to death; at another time the apparitor of the bishop of Worcester was attacked and barely escaped with his life.[4]

Such was the organization of the consistory.[5] In it most of the routine judicial work was done and many important cases decided. The account of Bishop Stapeldon's visitation of his court gives interesting information regarding the shortcomings of the various members. We learn that cases dragged along and decisions were delayed through the fault of the advocates and proctors. The examiners refused to take the testimony of witnesses until they had collected their fees, and then instead of asking each question separately, examined them upon several *articuli* at once. Some of them were

---

[1] *Stapeldon's Reg.*, 116; Wilkins, *Concilia*, II. 409, 496.

[2] *Reg. Pal. Dun.*, I. 580; Grandisson's *Reg.*, 808.

[3] Wilkins, *Concilia*, II. 678.

[4] Wykeham's *Reg.*, II. 678; *Reg. Sede Vacante*, 211.

[5] The consistory cited to Stapeldon's visitation (1323) contained three advocates, nine proctors, two examiners, the clerk of the examiners, the registrar, a notary public, an apparitor, and nine students.

married, and at times examined witnesses at their homes. Two of the proctors were tavern keepers, and one of them frequented taverns "to the scandal of the office." [1]

Much important judicial work was done outside the consistory. Both the official and his commissaries-general decided causes *pro tribunali sedente*, that is, in the presence of witnesses and a notary, at the bishop's manor house or elsewhere in the diocese, independently of the consistory court.[2] Moreover, as in administrative matters every one of the bishop's tasks was handed over at times to commissioners, so in the judicial field he delegated a considerable part of his work to them. In most dioceses there was more business than the official and his commissary could manage. The bishop accordingly appointed during pleasure two or three commissaries to hear cases generally throughout the diocese, in consistory or without.[3] As in case of the commissary of the official, appeal lay from their decisions to the bishop, and they differed from him only in that they worked under the direction of the bishop while he worked under the direction of the official. Again commissions were issued for the adjudication of a specified case. They were frequently addressed to the official, or a commissary, or both, together with one or more of the canons.[4] The position of the official in such cases was dif-

---

[1] Stapeldon's *Reg.*, 117–119.

[2] Grandisson's *Reg.*, 916; *Reg. Pal. Dun.*, 579.

[3] *Reg. Sede Vacante*, 81; Giffard's *Reg.*, 489; Grandisson's *Reg.*, 728; *Reg. Pal. Dun.*, 21.

[4] Grandisson's *Reg.*, 478, 734; Drokensford *Reg.*, 113, 213; *Reg. Pal. Dun.*, 335, 1217. According to the legatine statutes of Cardinal Othobon, no one having a lower dignity than canon of the cathedral should be authorized to act as judge (Wilkins, *Concilia*, II. 11).

ferent from his position in the consistory, for he was not sole judge. At other times commissions were issued in which no judicial official whatever was appointed.[1] Bishop Grandisson issued a great many commissions during the first years of his episcopate, but in his sixth year, realizing that he was injuring the business of the consistory court, he revoked all except those of his official, official of peculiar jurisdiction, and commissary of the consistory.[2] He had empowered his official of peculiar jurisdiction to hear causes throughout the whole diocese, *quia tamen, sicut docuit experiencia, ex hoc consistorii nostri Generalis detrahitur non mediocriter jurisdiccione et honore quos desideramus augeri; nostre intencionis existet quod cause hujus modi . . audiantur de cetero et decidantur in dicto consistorio nostro.* He now commanded him to transfer all matters pending before him to the consistory.[3]

At any time the bishop might take a suit out of the consistory court and decide it himself or put it into the hands of a commission. Similarly he might transfer a suit from one set of commissioners to another. Grandisson, in July, 1333, authorized the treasurer of Exeter to hear and decide a case of divorce *in nostro consistorio Exoniensi dudum motam et demum ad audienciam nostram revocatam.* January 8, 1334, the matter was still undecided, and the bishop gave it to other commissioners.[4] Again in October, 1338, he commissioned Stephen Lovecoke, an examiner of the consistory, Walter de Wike, an advocate of the same, and William

[1] Grandisson's *Reg.*, 456, 470, 482, 701; Drokensford's *Reg.*, 97, 200, 216.

[2] *Ibid.*, 693.

[3] *Ibid.*, 728.

[4] *Ibid.*, 701, 727.

de Were, a clerk, to try a case of defamation between a certain tanner of Exeter and a vicar in the church of Exeter, which had been appealed to the consistory. March 12, 1329, having concluded that the commissioners wers too dilatory, he transferred the suit to the hearing of the dean and precentor of Exeter.[1] An appeal of the rector of Marksbury against the official of the archdeacon of Bath was transferred by Bishop Drokensford in succession to three different sets of commissioners.[2]

Finally it must be remembered that full power to dispense justice resided in the person of the bishop at all times, as it did in the person of the king. So although he did not hold consistory himself, still in his manor house, *pro tribunali sedente*, on his journeys, or in visitation, in short, at any time or place, he decided cases, his action being certified to by the notrary public who always accompanied him, and by witnesses from his own train, or the people among whom he chanced to be.[3] Citations to appear before him *ubicumque tunc fuerimus in nostra civitate vel Diocesi* were exceedingly common.[4] The suffragans of Canterbury (1282) presented a list of twenty-one grievances to Archbishop Peckham which they asked him to remedy. The fifteenth complaint was that the court of Canterbury issued rescripts upon appeal that a bishop cited to an uncertain place, namely, wherever he might be in his diocese, whereas that right belonged to the bishops as ordinaries, and had heretofore been customary. They prayed that such rescripts would

---

[1] Grandisson's *Reg.*, 420, 475.

[2] Drokensford's *Reg.*, 200, 204, 216.

[3] Grandisson's *Reg.*, 870, 894.

[4] *Ibid.*, 443, 482, 477; Sandale's *Reg.*, 28, 29, 32.

cease.[1] The petitions made by the commons in parliament against the operations of the spiritual courts related not infrequently to the uncertainty as to time and place of holding court, and the inconvenience resulting from the existence of several judges with overlapping jurisdictions. They complained that they were cited to distant and unheard of places, and were excommunicated when they did not get there within the time allowed;[2] also that they received citations from different judges to appear before them at different places on the same day.[3] An illustration of the second grievance drawn from another source, is the appeal to the pope of a certain Thomas Page who declared he was cited to three places distant from one another on the same day, and when he appeared at one, the other two commissaries excommunicated him, and he was afterward put in the civil prison where he suffered hunger, cold and thirst for a year, when he escaped.[4] Fournier has remarked that the ecclesiastical judicial system was the result of imposing the civil code upon the earlier personal and paternal government of the church.[5] That idea helps to explain the judicial organization just described. On the one hand, a court with advocates, proctors and a formal procedure similar to that of the civil law, on the other, the personal authority of the bishop who could and did step in at any time and transfer causes to other judges or to his personal hearing.

In each archdeaconry was a court modeled after the

[1] Peckham's *Reg.*, I. 331. Strangely enough the seventeenth complaint was that the archbishop cited them in the same way. He was not slow in pointing out to them their inconsistency.

[2] *Rot. Parl.*, II. 171a, III. 163b.

[3] *Ibid.*, III. 43b.

[4] *Papal Letters*, II. 537.

[5] Fournier, *Les officialités*, 129–131.

consistory which held sittings once a month or every three weeks.[1] Every archdeacon had an official, and at times a commissary of the official. His court also contained advocates, proctors and a registrar.[2] The apparitors of the archdeacons were everywhere hated by the clergy. Bishop Quivil, in 1287, denounced the *damnabilis apparitorum praesumptio* who cited people for crimes on their own initiative in order to extort money from them.[3] In 1341, Archbishop Stratford, on account of the *apparitorum turba pestifera* decreed that each archdeacon should have one only in each deanery who should travel about on foot and not on horseback.[4] Chaucer in the Friar's Tale has described for us the popular hatred of the apparitor. The archdeacon

> . . . hadde a Sumnour redy to his hond
> A slyer boy was noon in Englelond
> For subtilly he hadde his espiaille
> That taught him where that him mighte availle.
> * * * * *
> This false theef, this Sumnour, quod the Frere,
> Had alwey baudes redy to his hond
> As any hauk to lure in Englelond,
> That told him al the secree that they knewe;

Decisions of the archdeacon or his official could be appealed to the bishop's consistory. Except in the archdeaconries of Richmond and Chester,[5] the English archdea-

---

[1] Wilkins, *Concilia*, II. 699.

[2] Grandisson's *Reg.*, 1041.

[3] Wilkins, *Concilia*, II. 148.

[4] *Ibid.* II. 678. The bishop of Salisbury (1254), upon complaint of the clergy that apparitors rode around through the rural deaneries on horseback, and demanded *sumptiosa*, not content with common hospitality, ordered them to go on foot. (*Ibid.*, I. 716.)

[5] See *ante*, p. 6.

cons did not usurp power at the expense of the bishop, as they did in some dioceses in France where their decisions became of equal authority with his, and appeal went directly to the archbishop.[1] In some dioceses the bishops reserved to themselves certain classes of cases which the archdeacons were forbidden to entertain. At Winchester, according to the constitutions of Bishop Woodlock, the archdeacons could not hear matrimonial or testamentary suits, or any suit, civil or criminal, which involved deposition or deprivation of a benefice.[2] This was probably a larger reservation than obtained in most dioceses. In the diocese of Bath and Wells a suit could be begun indifferently in either the consistory or the archdeacon's court, and both could proceed equally against offenders.[3] As a matter of fact minor cases,

---

[1] Fournier, 134, 135.

[2] *Inhibemus ne archidiacani, officiales, aut decani eorundem causas matrimoniales, testamentarias aut criminales seu civiles quae ad depositionem seu beneficii privationem, sive criminaliter sive civiliter in eisdem aut quasvis alias ad cognitionem nostram spectantes tractare praesumant.* (Wilkins, II. 299).

Cardinal Otho's constitutions prohibited them from hearing matrimonial cases unless it was a long established custom, and in that case they were to consult the bishop before pronouncing sentence. (*Ibid.*, I. 654).

[3] Agreement between the bishop and archdeacon of Wells (1338). *Actore adversarium suum de archidiaconatu predicto coram domino archidiacano vel ministris suis in causam trahere volente habeant idem archidiacanus et ministri sui hujus causae cognicionem et definitionem . . . et si quis quospiam de archidia conatu predicto coram prefato domino episcopo vel ministris suis in causam trahere voluit habeant idem episcopus et ministrii sui hujus causae cognicionem et definicionem . . . ita tamen quod subditi archiaconatus predicti extra ipsum archidiaconatum nisi de eonsenu utriusque partis . . . nullatenus trahantur.*

This document was kindly copied for me from Shrewsbury's manuscript register by Canon Holmes.

although not these alone, would fall to the archdeacon, and his court was often looked upon as a place of petty persecutions. As we read in Chaucer:

> For smale tythes and for smale offrynge,
> He made the peeple pitously to synge
> For er the bisschop caught hem in his hook,
> They weren in the archedekenes book;
> And hadde through his jurediccioun
> Power to have of hem correccioun.

There were in most, and probably in all, dioceses peculiar jurisdictions exempt altogether or in part from the ordinary courts. The bishop of Exeter had peculiar jurisdiction over the collegiate church of Crediton and over the rural deaneries of St. Germain, Penryn and Poltone in Cornwall.[1] He appointed one or more officials to try all cases that arose among the people of those places;[2] the archdeacon had no authority whatever over them and the consistory only by way of appeal.[3] The cathedral chapters had peculiar jurisdictions varying in character and extent in different dioceses. Bishop and chapter originally held their property in common and its division between them at a later period gave rise to a great variety of peculiars. In the dioceses of London, Lincoln, Chichester, Salisbury and Wells the dean had jurisdiction over the canons, their prebends, and all prebendal churches and the bishops could not interfere

---

[1] Bronscombe's *Reg.*, 465, 466.

[2] Stapeldon's *Reg.*, 116; Grandisson's *Reg.*, 777–779.

[3] Grandisson's *Reg.*, 535. Mandate to the official or his commissary: *vobis et vestrum utrique districcius inhibemus Jurisdiccioni nostre Peculiari ibidem* [Crediton], *aut alibi prejudicetis omnno nec quicquam attemptatis de cetero nisi per viam appellacionis tantum, prout de jure et consuetudine fuit et est hactenus usitatum.*

except in case of negligence or appeal.[1] Moreover, at Salisbury, Wells and Lichfield the dean exercised archdeaconal jurisdiction over the cathedral city and its suburbs.[2] Finally, the dean of Wells, and perhaps other deans also, had jurisdiction over certain parishes. They were thirteen in number and had been granted to the cathedral by one of the early bishops.[3] He appealed to the archbishop in 1342 because Bishop Shrewsbury had cited the parishioners of some of these churches to appear and answer for certain crimes and offenses.[4] He had a court with an official, registrar and apparitor, appeal from it going to the bishop.[5]

The jurisdiction enjoyed by royal chapels and certain monasteries gave rise to other important peculiars. From Saxon times Glastonbury Abbey, for example, possessed complete jurisdiction, not only over its own members, but also over seven parishes.[6] The nature of this may be seen from the following appeal to the pope against Bishop Shrewsbury: "Although all primary and immediate ecclesiastical jurisdiction over the clergy within the parishes of St. John, Glaston, . . . and other

---

[1] Reynolds, *Wells Cathedral*, p. clxi. A document is here copied from the Lichfield *Liber Niger* which gives the jurisdiction of the different cathedral deans. The statement is practically the same for all the above mentioned deans, that for Sarum being as follows: *Apud Sarum ita est optentum quod Decanus habet omnimodam jurisdiccionem tam in personis canonicorum et omnium in choro quam in prebendis et ecclesiis pertinentibus ad communam nec episcopus in aliquo supra premissis se intromittit nisi per viam negligencie vel appellacionis.*

[2] Reynolds, *Wells Cathedral*, 139; *Lincoln Cathedral Statutes*, pt. II. p. CLVIII.

[3] Reynolds, *Wells Cathedral*, p. CXL.

[4] Shrewsbury's *Reg.*, 447.

[5] Reynolds, *Wells Cathedral*, p. CL.

[6] *Ibid.*, p. CXXXIX.

persons living in the said parishes from olden time has pertained to the abbot and convent of Glaston, institutions and ordinations of clerks excepted, and the said religious men by their archdeacons, officials, commissaries and ministers have been the sole keepers of the jurisdiction aforesaid, nevertheless Thomas Chyw . . minister of Ralph, bishop of Bath and Wells, notwithstanding an appeal, cited Walter de Spekynton, parishioner of St. John Glaston, and personally apprehended within the said parish, to appear before the said father or his commissary at Banewell."[1] Mandates which the bishop wished to be published throughout the diocese were addressed to the three archdeacons and the "keeper of the jurisdiction of Glastonbury."[2]

Competence of the Ecclesiastical Courts.—The competence of the ecclesiastical courts covered a broad field. The general claim was that all questions which concerned clerks or whose subject matter was of a spiritual nature belonged to the courts Christian. But by the fourteened century that position had, in practice, been surrendered at some points; over some questions a struggle was still going on with the civil power. The adjustment arrived at between the two jurisdictions in this period is given in the statutes *Circumspecte Agatis* (1285 probably) and *Articuli Cleri* (1316).[3] Omitting certain obviously spiritual matters, as the conduct of church services, doctrine, heresy, and the like, questions that could hardly be entertained elsewhere than in ecclesiastical courts, the competence of the court Christian extended to the following classes of causes.

---

[1] Shrewsbury's *Reg.*, 730.

[2] *Ibid.*, 149.

[3] *Statutes of the Realm*, I. 101, 171–174. The able discussion of this subject in Pollock and Maitland's *English Law* leaves little to be added.

In the first place, controversies regarding churches and church revenues, with one important exception, came under the jurisdiction of the ecclesiastical courts. A dispute over the advowson of a church was decided in the lay courts.[1] In other cases the bishop was free to act unmolested by a royal inhibition. The causes that came most frequently into the courts were controversies over tithes and other payments. In the mediaeval church economy there was little dependence upon voluntary payments. The tithes of parishioners and dues owing from any living were fixed by law or custom down to the minutest detail, and thus defaulters could easily be brought to task. Moreover, the revenues of a parish were divided among so many persons that trouble was almost inevitable. Pensions were attached to many livings, and the possessor of the living not uncommonly neglected to pay, whereupon suit was brought before the archdeacon or the bishop. The appropriation of churches and complicated arrangements made regarding the division of tithes between the vicar and the possessors of the church gave rise to frequent litigation.[2] Again, a rector or a vicar sued to recover a mortuary fee, or to force a parishioner to give the second best animal when he was endeavoring to satisfy the church with the third best.[3] A retiring rector or canon was expected to make good any dilapidation that had occurred to the benefice or prebend during his incumbency, and if he refused to do so, or to the extent demanded by his successor, he could be sued in court.[4] Tithes, as might be

---

[1] Pollock and Maitland, *English Law*. I. 105.

[2] *Reg. Pal. Dun.*, 1217; Grandisson's *Reg.*, 370, 716; Wykeham's *Reg.*, II. 553.

[3] Grandisson's *Reg.*, 397, 440; Swinfield's *Roll*, p. CXXVIII.

[4] Drokensford's *Reg.*, 162.

expected, were oftentimes difficult to collect, and the attempt brought the court Christian into frequent difficulty with the secular courts. The clergy complained to the king in parliament that suits for their recovery were begun in the latter on the pretext that it was a suit concerning goods and chattels, and also that persons prosecuting suits for tithes in the ecclesiastical court were later indicted before secular judges and grievously oppressed.[1]

In the second place, the ecclesiastical courts held jurisdiction over testamentary matters; they were the probate courts of the time. Consequently the probate of wills formed a large part of the business of both the episcopal and archdeaconal courts. The bishop of Exeter (and probably all bishops) reserved to himself the wills of noble and wealthy persons and of ecclesiastical dignitaries.[2] He might, of course, hand over his privilege to the official or to commissioners. Bishop Stafford's register contains a list of the wills probated by him. Thirty-eight were wills of canons, rectors and vicars, three of knights, three of members of the bishop's household, and eleven of other persons.[3] A result of the control of wills by the Church was that all litigation involved in carrying out the wishes of the testator,

---

[1] *Rot. Parl.*, III. 26, 27.

[2] The official of the archdeacon of Totnes had proceeded to take in charge the will of Amicie de la Pomeray, but Grandisson *pro eo quod dicta mulier nobilis extiterat, et ipsius Testamenti Probacio et* [*approbacio ad suam Jurisdiccionem mere pertinet, ne crederetur dictum magistrum Henricum Probacionem Testamenti hujus modi jure Archidiaconali recepisse; omnia acta et gesta per eum in hac parte infirmavit, cassavit, et penitus revocavit ac recepcionem Probacionis dicti Testamenti sibi ipsi reservavit per Decretum. Reg.*, 923.

[3] Stafford's *Reg.*, 379-423.

as expressed in his will, came into their courts. A certain Lady H. de Plaknet, for example, willed that her body should be buried in Sherborne Minster, but her son buried her in a more humble place. He was accordingly cited to the consistory to answer for his act, and also for having compelled the bishop's messenger to chew and swallow the letter of monition sent to him by the bishop.[1] Furthermore, the property of all persons dying intestate was disposed of for the good of their souls by the ecclesiastical courts. A sequestrator was regularly employed to travel through the diocese and search out such estates and sequester them into the hands of the bishop.[2] Testamentary jurisdiction was the one field possessed by the spiritual power which brought practically everyone into its courts, and consequently, was the one in which laymen felt most interested. A large part of the petitions in parliament regarding the actions of ecclesiastical courts in the fourteenth century relate to this subject.[3] Officials were repeatedly accused of demanding exorbitant fees for probate, demanding a hundred shillings, ten marks, and even twenty marks. At the same time archbishops and bishops in their statutes sought to check such conduct by establishing a schedule of fees.[4]

Again, the religious and sacramental character of the marriage ceremony brought all cases of matrimony and divorce and of legitimacy into the church courts. They

---

[1] Drokensford's *Reg.*, 88. The executors mentioned in the will were required to make and deposit with the court an inventory of the estate before they were granted letters of administration. Bronescombe's *Reg.*, 283.

[2] Wykeham's *Reg.*, II. 9; Grandisson's *Reg.*, 637, Wilkins, *Concilia*, II. 675.

[3] *Rot. Parl.*, II. 365b, 230b, 305b; III. 25b, 313a.

[4] Wilkins, *Concilia*, II. 675.

were, in some instances at least, reserved to the bishop or his commissary, and the archdeacons were prohibited from entertaining them.[1] Many of the regulations of the consistory court concerned the trial of matrimonial suits, and special rules guarding against delay were drawn up for conducting them.[2] When during a trial in a temporal court a question of legitimacy arose, a writ was sent to the bishop to determine the truth.[3] This inquiry as to bastardy was a privilege much prized by the church courts and they tried to draw to themselves the right of similar inquiry in other cases.[4]

The Church in its oversight of the morals of both clergy and laity *pro salute animae* had cognizance of a large number of offenses, some of which the laws of the state did not touch.[5] Trials for adultery and incontinency, for assault upon clerks, violation of the right of sanctuary, or destruction of ecclesiastical property were the most frequent of these.

When it is remembered that there were 29,161 clerks, exclusive of the friars, entered on the poll tax list in 1381,[6] men of all sorts and condition, it does not seem surprising that we often hear of outbreaks of violence among them or upon them. During 1329 there is a record of the excommunication of seventeen persons by

---

[1] Wilkins, *Concilia*, II. 299. See *ante* p. 82.

[2] *Ibid.*, II. 154, 496.

[3] Shrewsbury's *Reg.*, 171, 339, 704.

[4] *Rot. Parl.*, II. 152 a.

[5] In 1303 the subjects of Bishop Bek of Durham, both clerical and lay, rose up against his usurpations and obtained a charter confirming their liberties. One clause was "No freeman shall be impleaded in the court Christian except in matters relating to testament and matrimony." *Reg. Pal. Dun.*, III. 62. But this was doubtless exclusive of spiritual matters.

[6] Cutts, *Parish Priests*, 390, 391.

Bishop Grandisson for assaulting a clerk or clerks.[1] Usually it was a quarrel between clerks or a layman and a clerk, but at times neither the dignity nor sanctity of a bishop protected him. The attack upon Bishop Shrewsbury at his visitation of Yeovil has already been mentioned.[2] While Grandisson was celebrating high mass in his church at Bishop's Lawton on the anniversary of his consecration, a body of men armed with arrows and other weapons rushed into the church and attacked him with a great noise. The worst of it was that they had been stirred up by the archdeacon of Totnes, who was in trouble with the bishop.[3] The dislike felt for archdeacons and their conduct found expression from time to time in outbreaks like the following: "A mob of about two hundred men,—"Satellites of Satan,"—with swords bare and bows drawn rushed in upon the official of the archdeacon of Totnes when he was holding court in the parish church of Yealhampton, seized the rolls and registers, drove the official, clerks, advocates and proctors out of the church and would have killed them had they not found shelter in a house nearby.[4] *O miseri et infelices!* Grandisson exclaimed, *quis locus poterit esse tutus, quis securitate gaudebat, si ecclesia talibus casubus subiecitur?* Whoever assaulted a clerk was also tried in the king's court for his breach of the king's peace.[5] Thus the clergy were doubly protected; violence done to a layman was punished only in the lay court, but violence done to a clerk was punished in both.

---

[1] Grandisson's *Reg.*, 456, 469, 475, 480, 481, 482, 485, 526, 532.

[2] See *ante* p. 38.

[3] Grandisson's *Reg.*, 979.

[4] Grandisson's *Reg.*, 1041.

[5] *Reg. Sede Vacante*, 189; Pollock and Maitland, *English Law*, I. 422.

All churches, cemeteries and other consecrated places were sacred, and as the church desired to preserve a feeling of reverence for them among the people, any injury done them was promptly and severely punished. One of the most common offenses was violating the right of sanctuary attached to them. Royal officials or others pursuing a fugitive could not endure to see themselves baffled by his reaching a church, but went in after him and dragged him out. The commons complained that the privilege was much abused by debtors who escaped their creditors in this way.[1] Moreover, all ecclesiastical property, including the bishop's manors, was under special protection. Whoever broke a fence on one of them, destroyed or carried away the grain, or trespassed in any other way was guilty of violating the ecclesiastical liberties and was punishable in two ways, by the secular court for his disregard of property rights, and also by the church court for his violation of ecclesiastical liberties.[2] Thus ecclesiastical property, as well as ecclesiastical persons, received a double protection. When we consider the extent of the bishop's manors and the frequency with which depredations upon them would be likely to be committed we are not surprised at the numerous excommunications for that offense, and the frequent commissions to hear causes arising therefrom. Bishop Drokensford's commissions always specified that the persons appointed were to hear the case *quoad salutem animae pertinet non ad forum seculare*.[3]

---

[1] *Rot. Parl.*, II. 187b. In 1378 it was decided that sanctuary was to be allowed only where the fugitive was threatened with life or limb (*Ibid.*, III. 37b).

[2] Drokensfords's *Reg.*, 98, 105; Shrewsbury's *Reg.*, 125; Grandisson's *Reg.*, 352.

[3] Drokensford's *Reg.*, 117.

Other offenses of a moral character which the church punished were defamation and perjury. Cases of the former class were commonly brought against laymen, but in 1329, Bishop Grandisson took measures against the prior of St. Nicholas' Priory who had in Exeter and elsewhere called the barons of the Cinque Ports, "lawbreakers, plunderers, scoundrels, perjurers, and murderers."[1] The commons complained to the king (1326) that when clerks had been brought before the justices and the ministers of the king and had been delivered, they turned round and sued their indictors in the Spiritual court for defamation. The king replied that inhibition would be granted in all such cases.[2] A charge of perjury for breaking his oath was the regular means of proceeding against a church official who refused obedience to his superior. The archdeacon took an oath to obey the bishop, the rural dean a similar oath to the archdeacon, and in the same way all sequestrators, apparitors, and other officials were bound to obedience. Accordingly, when the archdeacon of Exeter refused to execute a mandate of the bishop, he was cited for perjury.[3] The rural dean of Redcliffe refused to hand over to the archdeacon of Bath the Peter's Pence he had collected; he was summoned by the bishop to answer for perjury in that although he had taken an oath of fidelity to the archdeacon including the transmission of Peter's Pence, he had not lived up to it.[4]

Lastly, by benefit of clergy, the trial of clerks charged with felony was a privilege of the court Christian. Bishops sent deputies to all the jail deliveries to receive

---

[1] Grandisson's *Reg.*, 519.
[2] *Rot. Parl.*, II. 9b, 11b.
[3] See *ante*, p. 6.
[4] Drokensford's *Reg.*, 286.

them. According to the statutes of Archbishop Boniface (1261) they were required to keep at least one prison, and there the clerks were sent to await trial. But before the clerk was delivered up, a jury passed upon his guilt or innocence. "In order that it may be known in what character he is to be delivered, let the truth of the matter be inquired of the country. And the twelve jurors and the four neighboring townships say upon their oath that he is guilty [or, not guilty] and therefore as such, let him be delivered."[1] This was more than an indictment of the present day. The court judged him guilty so far as it could pronounce sentence. Hence the expression used in the bishop's registers in ordering the purgation of such clerks, namely that they had been brought before the justices of the king "and by a lay judgment condemned to death."[2] The clergy resented this procedure in the king's court and petitioned against it, but to no purpose.[3]

This was the extent of the competence of the ecclesiastical courts of the fourteenth century. In addition, the church had claimed that clerks were not to be brought before a lay court on any personal action.[4] But the episcopal registers abundantly show that bishops were constantly called upon to cite clerks to the king's courts in the matter of debt, and that they submitted as a matter of course. None the less, they did attempt to hold pleas of this kind in their own courts, and the king sent out numerous inhibitions.[5] Still they gained their end to a

[1] Assize Roll, Cambridgeshire eyre, 45 Henry III., quoted in Pollock and Maitland, *English Law*, I. 425.

[2] *Reg. Sede Vacante*, 93; Giffard's *Reg.*, 79.

[3] *Rot. Parl.*, II. 244b.

[4] Wilkins, *Concilia*, II. 148. In France (except Normandy) actions for debt were tried in spiritual courts, Fournier, 65.

[5] Stapeldon's *Reg.*, 417, 418; Shrewsbury's *Reg.*, 513.

considerable extent in another way. They claimed to enforce all promises made upon oath, hence to entertain charges of breach of faith. The two parties to a debt appeared before the bishop or other judge, and in the presence of witnesses the debtor took oath to pay the debt.[1] He could then be cited for breach of faith in case he did not keep his promise. The commons complained to the king (1373), that the court Christian heard pleas of debt under the name of *fidei laesio*.[2] Of the 555 cases recorded in the register of the Ripon Chapter Acts from 1452 to 1501, one hundred and eighteen are cases of debt.[3]

In civil causes clerks were privileged from arrest by royal officials, and could only be reached through the bishop, in case they had no lay fee for the sheriff to distrain. When such a clerk's presence was desired in a lay court, a writ was sent to the bishop distraining him by his barony to see that the clerk appeared on the specified day. Bishop Drokensford wrote to the Dean of Wells: "It has been the custom of the realm for beneficed clerks to be cited in matters of the 'Forum regium' through their Diocesans, and to answer to their Diocesans for non-appearance 'coram Rege'. Canon Plymstock has been cited for sums due to the executors of Henry Husee's will. His non-appearance has brought a mulct of £8, to be levied from the bishop's revenue; cite the Canon before us in the cathedral to show cause, etcetera."[4] Upon receiving such a writ the bishop ordinarily cited the clerk in question to appear before him and give surety to hold him blameless in regard to the king's writ.[5]

---

[1] Drokensford's *Reg.*, 132; Shrewsbury's *Reg.*, 426, 441, 443.
[2] *Rot. Parl.*, II. 318 b.
[3] *Ripon Chapter Acts*, Surtees Soc. *Publications*. Vol. 64.
[4] Drokensford's *Reg.*, 226; see Bracton, *De Legibus*, VI. 492–3.
[5] Sandale's *Reg.*, 232, 233.

There is abundant evidence that the attempt to widen their jurisdiction was not confined to ecclesiastical judges; lay judges and officials continually encroached upon the territory set apart for the spiritual courts. The clergy constantly complained that prohibitions to prevent cases being tried in their courts were too freely granted. In 1312, in response to a petition in parliament, the king ordered that royal judges were to fine and punish all who procured prohibitions against ordinaries proceeding in matters purely spiritual,[1] but remonstrances on this point continued to be made throughout the century.[2] In 1342, three of the king's justices outlawed three clerks of Devon. Bishop Grandisson cited them to appear before him to answer for disregarding the immunities of the clergy. Two came to his manor house at Clyst and received absolution. The third refused to appear and was excommunicated. Thereupon the king sent out a prohibition and summoned the bishop to Westminster to answer for calling royal officials before the court Christian for acts done in the discharge of their duty. It was the time of a provincial council; the matter was taken up there and settled by withdrawing the sentence of outlawry against the clerks, and the bishop absolving the third judge.[3]

---

[1] *Rot. Parl.*, I. 282 b.

[2] *Rot. Parl.*, II. 358b; III. 26b.

[3] Grandisson's *Reg.*, 961, 968.

CHAPTER V.

PROCEDURE IN THE ECCLESIASTICAL COURTS.

The law administered in the ecclesiastical courts was the canon law of Rome, statutory law of legatine, archiepiscopal and episcopal constitutions, and the customary law which had grown up from episcopal decisions extending through several centuries. The archbishop's and bishop's constitutions were in great part a restatement of the canon law and have been aptly called "a brief appendix to the common law of the universal church." In many cases papal statutes were not intended to supersede long standing customs, but when they were, the statement of the official of Worcester that "the longest customs cannot run against the institutes of the sacred canons" expresses the attitude of the ecclesiastical courts regarding them.[1]

As to the details of procedure in civil cases, registers and statutes give little information. In its general features it followed, however, the canon law procedure which was common to all Europe. This, in brief, was as follows. The person desiring to bring suit engaged an advocate to draw up a statement of his claims called the *libellus* , which was presented to the official.[2] The official then cited the defendant to come before him. He

[1] *Reg. Sede Vacante*, 270. On this question see Maitland, *Canon Law in the Church of England.*

[2] Wilkins, *Concilia*, II. 573; Fournier, *Les officialités*, 142.

was entitled to three citations unless the matter required haste, when one peremptory citation was sufficient.[1] As in the lay courts, it was difficult to get people to appear and excommunications for failure to answer citations were numerous.[2] When the person cited appeared, the *libellus* was read to him and a day fixed on which both parties were to come into court and the defendant state whether he would admit the claim of his adversary or contest it. He might at that time enter an *exception*.[3] This was a document, drawn up by an advocate in technical form, asking for delay or that the action be dropped, and stating the reason or reasons—the adversary was under sentence of excommunication and could not bring suit, the judge was not competent to entertain the case, there had been an error in the *libellus*, and the like. If on the appointed day no *exception* was granted, the judge demanded of the defendant whether or not he admitted the charge of the plaintiff. If he did not, he replied in the following or similar terms: *Litem contestando nego narrata prout narrantur et dico petita fieri non debere*. This step was called the *litis contestatio*, and marked the formal opening of the case.[4] Both parties then took the oath *de calumnia* and the hearing began.[5] The proctor of the plaintiff put to the defend-

[1] Wilkins, *Concilia*, II. 691; Fournier, *Les officialités*, 151.

[2] Grandisson's *Reg.*, 376, 389,401, 410, 428, 432. These excommunications were issued during three months in 1328.

[3] Wilkins, *Concilia*, II. 496. The practice of introducing *exceptions* to delay trials was so abused that Bishop Beaumont of Durham ordered that they should not be allowed in minor cases, matrimonial cases, or others where haste was necessary, unless the exception was such as to render the *libellus* null and void (*Ibid*).

[4] c. I. X., II. V.

[5] Peckham's *Reg.*, I. 170, 171; Fournier, *Les officialités*, 131.

ant a number of questions—*positiones*—which he had drawn up under the direction of the advocate, for the purpose of determining exactly what points were to be contested.[1] To these the defendant's proctor replied. The advocate of the plaintiff then presented his proof, followed by the advocate of the defendant; the testimony of witnesses was produced, and a day set for the pleading of the advocates on each side. As already stated, witnesses were not examined in open court. Those brought to the trial were examined by the regular court examiners, but the testimony of others was taken by a notary or commissioners at their homes. The statutes of the bishop of Chichester (1289) provided that two or more *viri discretiores* should be chosen in each rural deanery to act as examiners of witnesses and send the testimony to the official under their seal.[2] The pleas of the advocates closed the case, and the judge pronounced his decision. This was the ordinary procedure; summary procedure was more simple. In that case the *libellus* was dispensed with, an oral statement of the charge being sufficient.[3]

The canon law recognized three methods of criminal procedure: by accusation, purgation, or inquisition.[4] The method of accusation was very formal and the accuser had to prove his case or suffer punishment. It passed out of use in the thirteenth century.[5]

Purgation was the method of trial for those accused

---

[1] Grandisson's *Reg.*, 1219; Fournier, *Les officialités*, 178–182. *Positiones* were of recent origin. They began to be introduced in the thirteenth century and became increasingly common.

[2] Wilkins, *Concilia*, II. 172.

[3] Fournier, *Les officialités*, 231, 232.

[4] c. 31, X. v. III.

[5] Fournier, *Les officialités*, 236, 237.

of felony. Some bishops, before they admitted to purgation a clerk who had been handed over to them by the king's justices, ordered an inquiry as to his character and general standing in the neighborhood of his home or where the crime had been committed, and if the testimony was unfavorable, refused to grant purgation.[1] This does not seem to have been the general practice at Exeter, or at Bath and Wells under Bishop Drokensford. There is only one instance recorded in which Bishop Grandisson ordered such an investigation "lest purgation be granted so easily that other clerks be made more bold and daring to commit abominable crimes."[2] On one occasion he appointed a commission to hear the purgation of fourteen clerks indicted for various crimes and handed over to him at the same time.[3]

The length of time that elapsed before clerks were allowed to purge themselves depended entirely upon the disposition of the bishop and there was, consequently, the greatest variety of practice. In eighteen cases where an inquiry was ordered by Bishop Wykeham relative to purgation, the date of imprisonment in his prison is given. We learn therefrom that clerks were confined eleven, thirteen, fourteen or seventeen years awaiting trial.[4] The length of time bore no relation to the seri-

[1] Sandale's *Reg.*, 414; *Reg. Pal. Dun.*, 462. Wykeham twice refused to allow purgation because the results of the inquiry were unfavorable (Reg., II. 92, 305).

The following is a commission of inquiry: *diligencius inquiratis veritatem an videlicet dictus Johannes super dicto crimine publice fuerit diffamatus et si diffamatus fuerit an fama hujus modi a paucis vel a multis ab inimicis et emulis vel ex odii fomite super dicto crimine fuerit indictatus.* (Shrewsbury's *Reg.*, 471).

[2] Grandisson's *Reg.*, 1165.

[3] *Ibid.*, 631.

[4] The number of years in case was as follows: 5, 7 (83); 13 (92); 11 (95); 5 (113); 13, 17, (128); 11 (264); 11 (279); 14 (293 *bis*); 12 (305); 14, 4 (443); 1, 4, 17 (444); 4 (453). The figures in parenthesis refer to the pages of Wykeham's *Register*, II.

ousness of the offense. One clerk had been in custody seventeen years on a charge of stealing three coverlets and two sheets; another thirteen years for the theft of twenty shillings.[1] A certain Thomas Taylour had been in prison seventeen years on charge of having stolen two dishes and a coverlet, the whole valued at two shillings.[2] In contrast to this, a list is given in Bishop Stapeldon's register of the prisoners in his prison in September, 1316, together with the dates of entry, and all had been in about a year and a half.[3] Later, in 1341, Bishop Grandisson in a general mandate promised that justice should be speedily done in all cases.[4] As to the practice at Durham, Bishop Kellawe referred to a prisoner whose purgation he was arranging for as *iam diu . . . mancipatur*, and again to three clerks as *apud Dunolmum a tempore non modico mancipati*, but no definite dates are mentioned.[5]

In every case before purgation took place, the bishop sent a mandate to the rural dean to have notice of the fact read on several Sundays and fast days in the churches of the region where the crime had been committed, citing all who opposed the purgation to appear before the bishop or his commissary on a specified day and state their reasons.[6] If no one answered the citation, the purgation was proceeded with on the appointed day. So far as the evidence goes, while it might take place in full

---

[1] Wykeham's *Reg.*, II. 128.

[2] *Ibid.*, 444.

[3] Stapeldon's *Reg.*, 508. There were six names in all.

[4] Grandisson's *Reg.*, 949.

[5] *Reg. Pal. Dun.*, I. 58, 462.

[6] Grandisson's *Reg.*, 146; Sandale's *Reg.*, 414; *Reg. Pal. Dun.*, 462; Wykeham's *Reg.*, II. 5.

consistory, it far more frequently took place before commissioners appointed by the bishop for the purpose.[1]

The number of compurgators varied with the gravity of the offense and the customs of the different dioceses. The Exeter and Winchester statutes provided that there should be five for lesser crimes and not more than twelve for serious ones.[2] At Durham, in 1313, a certain clerk purged himself of the charge of robbery with seventeen compurgators.[3] Another in the diocese of Worcester had nineteen for the same offense.[4] It might make considerable difference in some cases whether the clerk was allowed to find his own compurgators, or whether they were appointed by the judge; both methods seem to have been followed.[5] Complaint was made to Archbishop Peckham that the commissaries of the bishop of Norwich made purgation too difficult. That if any one appeared among the compurgators who was poorly dressed, he was rejected, "as if a *vestis nuptialis* were necessary for purgation," the archbishop scornfully commented.[6]

The process itself was simple. The accused swore he was innocent, and the others swore they believed he had

---

[1] *Reg. Pal. Dun.*, 463; Grandisson's *Reg.*, 519, 540. Drokensford's *Reg.*, 188, 189. Most of the purgations which took place in consistory do not, probably, appear in the registrars. Six of Grandisson's commissions were addressed as follows: two to the dean and subdean of Exeter, one to the dean alone, two to the commissary alone.

[2] Wilkins, *Concilia*, II. 148, 299.

[3] *Reg. Pal. Dun.*, 463, 464.

[4] *Reg. Sede Vacante*, 93.

[5] Wykeham appointed the compurgators in *Reg.*, II. 279 Drokensford's *Reg.*, 189, gives an instance where they were found by the clerk.

[6] Peckham's *Reg.*, I, 177.

told the truth.[1] On the whole, the difficult part must have been to get a chance to try purgation rather than to succeed in the trial when undertaken. If the purgation was unsuccessful, the felon was taken back to prison and kept there.[2] There are few cases noted in which he failed to clear himself. An interesting entry occurs in Drokensford's register, namely, a commission to receive the purgation of two clerks who had failed in a previous attempt.[3] In 1352, Archbishop Islip circulated a mandate through the province stating that, when in the recent parliament of London the clergy had complained to the king that secular judges were sentencing those brought before them for felony instead of handing them over to the ordinary, the king had replied that the prisons of the ordinaries were so comfortable, and the supply of meat and drink furnished in them was so generous that they inspired no terror in the evil-doer, and that, moreover, felons were granted such easy purgation that they returned to a life of crime. Wherefore the archbishop commanded the bishops to keep criminous clerks closely confined and restrict them to bread and water during three days of the week; also to order an inquiry into the previous life and habits of every clerk before allowing purgation.[4]

For the trial of other offenses besides felony, either purgation or the inquisition was used, or both. The procedure in purgation was the same as in the case of felony, except that there was seldom any difficulty in

[1] . . . *prestito per eundem Rodulfum juramento quod a crimine furti supradicti sibi imposito fuit, et est omnino immunis, jurati singillatim dixerunt se credere ipsum Rodulfum verum jurasse.* (Grandisson's *Reg.*, 1166.)

[2] Stapeldon's *Reg.*, 509.

[3] Drokensford's *Reg.*, 189.

[4] Grandisson's Reg., 1118.

getting a chance to try it, and for the lesser offenses fewer compurgators were customary. The ordinary procedure in the inquisition was as follows. When the person cited appeared before the judge, he was presented with the *articuli*, or charges, upon which he had been accused "by public rumor," or at the instance of some party. Upon all or any one of the charges which he denied he might ask to be allowed to purge himself. If he did not, another day was set upon which he appeared with his witnesses and, if he chose, an advocate. The judge then proceeded with the inquisition. The suspect and his witnesses were examined; also witnesses summoned by the judge himself, and according to the weight of testimony he decided the case.[1]

The inquisition for heresy was governed by especial rules. But with that we are not concerned for in the period under discussion English bishops were not yet trying cases of heresy. A veritable heretic, Ralph de Tremur, appeared in the diocese of Exeter in Grandisson's time. He was solemnly excommunicated by bishop and archbishop, but there is no record of his trial.[2]

Punishment.—The punishment that followed conviction was, in most cases, penance. The royal power and church councils were united in discouraging commuting penances for money payments. The former because it made the courts Christian more dangerous rivals of the civil courts, the latter because it was too great a temptation to the clergy who did not always give the money to the church or the poor as they ought, and moreover was contrary to the whole theory of punishment, namely,

---

[1] See full account of a trial by inquest in a case of adultery in *Reg. Sede Vacante*, 169–173. Also Fournier, *Les officialités*, 271–276.

[2] Grandisson's *Reg.*, 1147, 1179.

that it should be public "as a warning to others."[1] As might be expected, the practice varied much with different bishops. Grandisson not infrequently fined the guilty, while Kellawe's punishments, so far as the appear, were all corporeal.[2] The whole tendency of the times was to increase the use of pecuniary penance. While thirteenth century constitutions had forbidden it entirely, Archbishop Stratford in 1342 decreed that the amount should be moderate "so that the receiver be not judged rapacious," and that it should not be allowed for notorious offenses committed a second time.[3] The people preferred the corporeal penance and presented petitions in parliament from time to time, complaining that they were assigned pecuniary penances, and protesting against the "outrajouses summes" extorted by the ecclesiastical officials.[4]

A few examples of the punishment imposed for the graver offenses may be of interest. In the diocese of Bath and Wells, a clerk convicted of assault upon another clerk was commanded to stand every Friday for seven years in the parish church during service, with bare feet and head, holding a candle of at least one half-penny in value, which at the end of the office he was to offer at the altar, and every feast of the Annunciation for seven years he was to stand in the same way in the cathedral church of Bath. On all those occasions the cause of the punishment was to be explained by the celebrant of the divine service.[5] The following penance was imposed

[1] Wilkins, *Concilia*, II. 9, 10.

[2] Grandisson's *Reg.*, 403.

[3] Wilkins, *Concilia*, II. 699.

[4] *Rot. Parl.*, II. 230b; 245b. In 1377, they petitioned "that thereafter no ecclesiastical official should be permitted to receive any money for penance." III. 25b.

[5] Shrewsbury's *Reg.*, 264.

upon those who attacked Bishop Shrewsbury on his visitation of Yeovil. "Each of them shall stand on Sundays on a lofty place of the said church bareheaded, . . . Whilst the divine offices are being celebrated, he shall hold a taper of one pound of wax burning, and shall offer it to him celebrating mass. The cause of the punishment shall be expounded to the clergy and the people in the vulgar tongue. He shall go for three days of the market of Yeovil, through the middle of the same and shall be fustigated by a priest."[1] The next example is less mediaeval in tone. For the same offense a certain John Lambron was ordered by Bishop Grandisson to pay the injured clerk a hundred shillings in four equal installments.[2]

The penance for violation of sanctuary was especially severe. At Durham, Nicholas le Porter and others dragged forth certain men who had fled for sanctuary to a church of the Carmelites at Newcastle-on-Tyne, and handed them over to the civil authorities to be hanged. In expiation of his crime Nicholas was to go every Sunday for the rest of the year to the doors of the church of St. Nicholas, bareheaded, barefooted, and wearing only a linen garment, and to cry out to the multitude of people the cause and the justice of the penance, at the same time receiving stripes from the chaplain. Then he was to go to the church of the Carmelites to have the fustigations repeated, and again make his declaration to the people. Furthermore, on Monday, Tuesday and Wednesday in the week of Pentecost, he was to receive the same punishment at the doors of the church of St. Nicholas, and then go to the cathedral church at Durham, the chaplain to follow and again chastise him.[3]

---

[1] Shrewsbury's *Reg.*, 598.
[2] Grandisson's *Reg.*, 612.
[3] *Reg. Pal. Dun.*, 313–315.

John de Alwent having failed in his purgation on a charge of adultery, the bishop *volentes mitius secum agere*, enjoined that for each of his offenses he was to be whipped on six days (Sundays and feast days) by the vicar of Gaynesford as he walked before the parishioners in procession around the church, and on six Mondays be beaten as he walked around the market place of Derlynton, when the market was full of people."[1] Fines were quite common for this offense. Bishop Drokensford fined a certain rector confessing adultery five marks and bound him in £10 not to repeat the crime.[2] A priest convicted of adultery and suspended by the consistory court was pardoned by Bishop Grandisson on condition of undergoing a certain penance and paying a fine of half a mark.[3]

Penitents standing with lighted candles during the mass or walking in doleful procession were so common a sight to the mediaeval churchgoers that it is probable the salutary lesson did not much impress them. Fifty-seven of those who attacked Bishop Shrewsbury at Yeovil were ordered to begin their penance on the Sunday after the feast of St. Valentine.[4] What a scene the churchyard must have presented if only a part of that number appeared to receive their fustigations! It would seem probable that many sentences extending over a long time were not completed but were remitted by the bishop.

Deprivation was not often resorted to. Most of the instances mentioned in the registers were due to con-

---

[1] *Reg. Pal. Dun.*, 417.

[2] Drokensford's *Reg.*, 17.

[3] Grandisson's *Reg.*, 403.

[4] Shrewsbury's *Reg.*, 602.

tinued non-residence,[1] or refusal to take the higher orders.[2] Giffard (1301) deprived a rector for contracting matrimony,[3] and another rector in the diocese of Worcester was deprived in 1315 upon conviction of adultery.[4] Bishop Stapeldon in 1310, "for the ease of his conscience," ordered his official to go through the diocese and see if any persons had been too severely fined or punished by himself or any of his officials, and if so to remit their fines or other punishment.[5]

Degradation from the ranks of the clergy was a punishment used only in the most extreme cases. This power belonged only to the episcopal order and could not be exercised by one who was not a bishop.[6] Bishop Giffard, with the advice of the archbishop of York, degraded a subdeacon convicted of theft of the ornaments of a church,[7] but except for heresy degradations were very few and far between.

There was frequently a chance for the guilty to lighten their penance by taking advantage of the numerous indulgences granted by bishops during the Middle Ages. An indulgence was a remission of penance during the time specified in the letter of indulgence on condition of aiding some worthy object with labor, money or prayers. It referred only to discipline imposed by the confessor or court and had nothing to do with the remission of the pains of purgatory. The Latern Council of 1215 limited the possible length of indulgences issued by bishops to

---

[1] See *ante*, p. 21.
[2] Giffard's *Reg.*, 192, 480; Wykeham's *Reg.*, I. 97.
[3] *Ibid.*, *Reg.*, 544.
[4] *Reg. Sede Vacante*, 169-172.
[5] Stapeldon's *Reg.*, 298.
[6] Hinschius, *Kirchenrecht*, II. 40.
[7] Giffard's *Reg.*, 46.

a year at the dedication of churches and forty days at any other time,'[1] Most of them were for forty days and they were granted for a great variety of objects. Very frequently a bishop offered forty days to all who would contribute to the repair of some church, or to the fabric fund of his own or another cathedral. A list of seventy-six indulgences granted in aid of St. Paul's cathedral between 1201 and 1387 has been preserved. Every English diocese granted at least one, while Norwich issued seven, and Ely, Salisbury, and Hereford five each.[2] If one cathedral during so long a period received an indulgence on an average of every two and a half years, it may readily be concluded that the number of aids granted in any diocese in response to the needs of all the cathedrals was quite considerable.

Indulgences were offered to secure the repair of roads and bridges in the diocese.[3] The same inducement was held out to those who would be present at church dedications and anniversaries and, of course, make an offering.[4] Very common indeed were indulgences granted for prayers for kings and members of a royal family, for important ecclesiastics, and for the souls of the worthy dead.[5] The unfortunate in the diocese, or even in other countries were not forgotten. Bishop Wykeham offered an indulgence to those who would relieve a poor man and his wife, who were old and in debt,[6] at another

[1] Lea, *Hist. of Confession and Indulgences*, III. 163.

[2] Simpson, *Documents Illustrating the History of St. Paul's Cathedral*, Camden Soc. *Pub. N. S.*, XXVI. 175–177.

[3] Wykeham's *Reg.*, II. 495, 549; Stafford's *Reg.*, 245, 293, 371; *Reg. Pal. Dun.*, 506, 525; Drokensford's *Reg.*, 260.

[4] Wykeham's *Reg.*, II. 422; Bronescombe's *Reg.*, 250.

[5] *Reg. Pal. Dun.*, 42, 249, 615; Wykeham's *Reg.*, 71; Shrewsbury's *Reg.*, 9.

[6] Wykeham's *Reg.*, II. 526.

time to all who would aid two poor anchorites inhabiting the churchyard of St. Laurence Jewry.[1] Bishop Stafford issued one for a certain John Ely, of Essex, whose property had been totally destroyed by fire;[2] also for a merchant of York, who having gone surety for another, was imprisoned for default.[3] The same bishop granted forty days' indulgence to all the faithful who would contribute to the ransom of certain merchants of Bridgewater imprisoned in Normandy,[4] and Bishop Wykeham did the same to aid in freeing a Portuguese from the Saracens.[5] Bishop Kellawe granted an indulgence of forty days to all who would listen to the sermon of a certain Robert de Quigheley publicly preached,[6] and similarly to all who would listen to the gospel in Durham cathedral.[7] In all, there is a record of sixty-six indulgences granted by him, and the number issued by Bishop Stafford is considerably greater.

Appeals.—All decisions of the bishop and his consistory could be appealed to Rome or to the court of Canterbury, called also the court of Arches. He regularly pensioned certain advocates and proctors in both courts to look after his cases.[8] There were two kinds of appeal, the extra-judicial, or appeal *a gravamine*, and

[1] Wykeham's *Reg.*, II. 122.
[2] Stafford's *Reg.*, 92.
[3] *Ibid.*, 13.
[4] *Ibid.*, 38.
[5] Wykeham's *Reg.*, II. 476.
[6] *Reg. Pal. Dun.*, 195.
[7] *Ibid.*, 250.
[8] Bishops Stapeldon and Grandisson ordinarily paid 40*s.* to their advocates and 20*s.* to their proctors in the court of Canterbury. (Stapeldon's *Reg.*, 178; Grandisson's *Reg.*, 452); Bishops Drokensford and Shrewsbury 100*s.* to advocates and 4 marks to proctors. (Drokensford's *Reg.*, 155, 160; Shrewsbury's *Reg.*, 186.)

the judicial. The former comprised a large share of the total number; any person anticipating oppression or an unjust action from his superior appealed to stay his action before any judicial measures had been taken. Thus whoever felt himself in danger from his bishop put himself under the protection of the pope or archbishop who prohibited the bishop from taking any steps until the question had been investigated. The following inhibition was addressed to Bishop Shrewsbury by the official of the court of Canterbury. "It has been intimated to us in behalf of Sir Walter de London, canon of Sarum, that although he by virtue of a certain provision . . . had obtained the deanery of Wells and had possessed the deanery for no short time, and it was publicly appealed to the apostolic see on the behalf of the said Walter (he fearing grave prejudice) that no one should attempt anything to the prejudice of him or his deanery, nevertheless, Master Roger de Mortuo Mari and . . . canons of the said church . . . have decreed to proceed to the election of a future dean . . ; therefore, we command you that you inhibit the said Master Roger and the others that they do not attempt prejudice pending the matter of appeal."[1] April, 1351, Bishop Shrewsbury appealed extra-judicially to the pope: "Although we, Ralph, are bishop of Bath and Wells and have possessed the bishopric for several years and as yet possess it, fearing that prejudice might in future be raised up about our rights . . . lest any should attempt prejudice by moving, citing, suspending, excommunicating, etc., we appeal to the Apostolic See and for the protection of the court of Canterbury."[2] Twelve extra-judicial appeals to Rome and three to Can-

[1] Shrewsbury's *Reg.*, 245.
[2] *Ibid.*, 660.

terbury are recorded in Shrewsbury's register. Almost all were to prevent interference with rights of jurisdiction, or with the possession of a benefice or prebend. In seeking the protection of the court the appellant sent a statement of his case; a statement was also presented by the person appealed, and if the judge considered the appeal frivolous he cancelled the inhibition. If appeals were too readily granted by the court of Arches, serious injury was done to the bishop's jurisdiction. A clerk having got possession of a benefice, for example, could appeal to Rome and for the protection of Canterbury and in this way prevent the bishop from interfering with his enjoyment of the revenue of it while the case remained undecided, possibly a long time. Among the grievances presented to Archbishop Peckham by the suffragans of Canterbury in 1282 was a complaint that protection to appellants was too freely given.[1]

The judicial appeal was the appeal from the decision of a judge. It might be made verbally in court immediately after the sentence had been pronounced. If this was not done, within a certain time thereafter application had to be made in writing to the judge for *apostoli dimissorii* addressed to the superior judge and transferring the case to him.[2] However, if the former judge refused to grant these letters, the appellant might still present a *libellus* to the latter, who, if he considered the claim well founded, would entertain the case, nevertheless. It is hardly surprising to find that bishops considered the court of the archbishop was too lax in granting appeals. This was one of three grievances which Bishop Grandisson sent by a proctor to be proposed for remedy in the

[1] Peckham's *Reg.*, 329, 330.

[2] Stubbs, *Ecc. Courts Comm. Report. Appendix*, 1. 29; Fournier, *Les officialités*, 221, 223.

convocation of London, January, 1327. "Although the remedy of appeal was not instituted for the defense of iniquity but for the preservation of innocence, some incorrigible subjects of this diocese . . . appealing to the court of Canterbury in times past have too easily and carelessly been granted rescripts from the president of the said court."[1] At the same time he wrote to the archbishop's official asking that appeal be refused in cases arising from the correction of subjects for the good of their soul,—*in casibus anime mere tangentibus.*[2]

In general there seems to have been little appeal from sentences prescribing penance. Shrewsbury's register contains one, out of about forty appeals, judicial and extra-judicial, there recorded.[3] And as there could be no appeal from purgation, it follows that it was mostly confined to civil cases. Almost all in Shrewbury's register concern the enjoyment of benefices and other church livings, or contested rights of jurisdiction. But the number of the latter was sufficient to keep the courts employed. Nothing is more characteristic of the mediaeval church than the interminable and costly suits between ecclesiastics, from the highest to the lowest, over the extent of their respective powers. Apppeals from the consistory are not ordinarily referred to in the episcopal registers, and matrimonial and testamentary cases ought to be added to the above as constituting important subjects of appeal.

Episcopal jurisdiction was not only endangered by the encroachment of the archdeacons on the one hand, but also by the pretensions of the archbishops on the other.

---

[1] Grandisson's *Reg.*, 448.

[2] *Ibid.*, 451. He had in mind the appeal of Isabella de Sutton who had been sentenced by him for adultery. (*Ibid.*, 207.)

[3] Shrewsbury's *Reg.*, 437.

In France, the archbishops had usurped so much power by the middle of the thirteenth century that the pope interfered and the bull *Romana* was issued to protect the bishops.[1] In England the determined and united stand which the bishops took against Archbishop Peckham checked, for a time a least, such encroachment. Aside from general laxity in granting appeals, the archbishop increased his judicial authority in two ways, by passing over the bishop and entertaining appeals directly from lower courts, and by becoming a court of first instance and entertaining cases when no appeal had been made. The controversy between Archbishop Peckham and Thomas Cantilupe, bishop of Hereford, on these points has become well known. But he was not the only bishop who contested the archbishop's position; Bishop Giffard appealed several times to Rome against the "unlawful usurpations" of the court of Canterbury.[2] In 1282, he appealed because "the archbishop in a certain matter of divorce between John de Shay and Alice, his wife, of Warwick, subjects of the said bishop, and which by appeal or other lawful manner had not come to the archbishop's cognizance, commissioned the prior of Berencestr' in the diocese of Lincoln to determine the same."[3]

According to the canon law, except in case of negligence on the part of a bishop, the archbishop could interfere with his subjects only during visitation or upon appeal, unless long established custom gave him greater authority.[4] Consequently Archbishop Peckham rested

---

[1] c. 3, in 6, II. XV; Fournier, *Les officialités*, 217, 218.

[2] Giffard's *Reg.*, 151, 209, 222, 226, 273.

[3] *Ibid.*, 148.

[4] c. 3, in 6, II. XV; c. I, in 6, I. XVI.; Hinschius, *Kirchenrecht*, II. 15, 16.

his case chiefly upon custom. He wrote to the bishop of London: "By right based upon long established custom, approved by your predecessors, we and our predecessors have exercised freely and in peace immediate jurisdiction upon you and your subjects in many cases."[1]

However, in 1282, his suffragans united in presenting their grievances and he consented to submit some of the points in dispute to five skilled lawyers. They decided against him. "Whereas the official of the court of Canterbury in modern times has, in cases in which no appeal was being made, issued rescripts upon the complaint of the subjects of the suffragans more frequently than was done by the officials of the archbishop's predecessors, since it appears that some of the older officials but rarely and some never at any time issued rescripts upon such complaints, we decide that no rescripts shall be issued upon such complaints in time to come."[2] They admitted that the archbishop could by virtue of his legatine power issue such rescripts; but decided that he could not delegate this legatine authority to the official of the court of Canterbury.[3] The archbishop could hardly refuse to accept the decision of judges he had himself selected, and he shortly issued instructions to his official to reform his court in accordance with it. The evidence in Bishop Shrewsbury's register goes to show that these reforms were adhered to, through the first half of the fourteenth century, at least. Upon complaint to the court of Canterbury by the subjects of that bishop, the official did not begin proceedings, but ordered him to do justice in the matter, as in the following instance. "We have received the grave complaint

[1] Peckham's *Reg.*, 679.
[2] *Ibid*, 337.
[3] *Ibid.*, 338.

of Sir William atte Hall, perpetual chaplain . . . of your diocese, containing that the party of the said Sir William going to you humbly supplicated that you should cause the prior and convent of Taunton to answer in a case of tithes and oblations . . . . , but you did not care to hear him. Therefore, we order you that within fifteen days you cause fullness of justice to be done to the party of the said Sir William. Otherwise cite the prior and convent to appear before us.''[1]

[1] Shrewsbury's *Reg.*, 718. For other examples see pp. 372, 437, 442, 522, 663.

CHAPTER VI.

POWERS PERTAINING TO THE EPISCOPAL ORDER.

The church made a distinction between those powers of a bishop which pertained to his order and those which pertained to his jurisdiction. The right to confirm, ordain, and consecrate all bishops possessed in full and equal degree by virtue of their consecration to that order, and once conferred by the laying on of hands, those powers could not be taken away, even if a bishop turned heretic.[1] As they belonged to him in his priestly rather than in his governmental capacity, they were not bounded by diocesan limits and might be exercised by bishops possessing only a nominal see, bishop *in partibus* for example. While all the bishop's jurisdictional duties could be performed by subordinates, those pertaining to his order could in most cases be delegated only to others in episcopal orders. Hence with bishops absent from their dioceses so long and so frequently, these tasks would have been much more neglected than they were, had it not been for the bishops without dioceses under their charge who came to England and were licensed by the English prelates to perform the work. Richard de Bury's ordinations were held by the bishops of Corbania and Bisaccia while he served the king as chancellor.[2] Bishops of Leighlin, of Cloufert and of Waterford

[1] c. 4. D. LXVIII.

[2] *Reg. Pal. Dun.*, III. 106, 130.

were licensed by the bishops of Exeter.[1] The bishop of Carlyle, driven out of his diocese by the Scotch wars, was frequently employed in the northern sees, and similarly the bishops of Wales in those of western England.[2] However, the foreigners were not popular. In Piers Plowman we find complaint against the

> " . . . prelates that he [the pope] maketh
> That bere bishops names
> Of Bethleem and Babiloigne
> That huppe about in Engelond
> To halwe mennes auteres
> And crepe amonges curatours
> And confessen ageyn the lawe."

The people seem to have been been imposed upon occasionally by adventurers. Thus the bishop of Bath and Wells issued a mandate to the archdeacon of Wells (1362) to warn the clergy against imposters who were conferring minor orders, and a certain Hugh, calling himself archbishop of Damascus, dedicated many churches and collected the fees before Bishop Grandisson succeeded in putting a stop to his actions.[3]

It is rather strange that almost nothing is said of confirmation in the episcopal registers. Both Quivil's statutes for Exeter and Woodlock's for Winchester declared that confirmation should take place within three years after birth, provided the parents could find a bishop; if they neglected this duty they were to fast on bread and water every Friday until the child was

---

[1] Bronescombe's *Reg.*, 202; Stapeldon's *Reg.*, 384; Grandisson's *Reg.*, 888. A partial list of such bishops in England is given in Stubb's *Reg.*, *Sacrum Anglicanum*, *appendix*.

[2] *Reg. Pal. Dun.*, III. 290.

[3] Wilkins, *Concilia*, III. 49; Grandisson's *Reg.*, 1027, 1030.

confirmed.[1] The bishop held confirmation on his visitation round, and people living near his manors or the cathedral could bring their children to him there. Synodal constitutions ordered them not to wait until the bishop came to them, but to go to him whenever they heard he was near at hand.[2] Still, even taking into consideration the bishops who assisted in the work, it must have been impossible for those in the more inaccessible parts of a diocese to observe the law, and many, probably, were left unconfirmed. Archbishop Peckham wrote to the bishop of Coventry that he had found in his recent visitation that children in every part of his diocese lacked confirmation *in infinite multitudine*.[3] He ordered him to commission some other bishop who understood the language to go through the diocese and perform that office. In 1329, the chapter of Rochester complained to the archbishop that their bishop, Hethe, did not travel about in his diocese, and boys were everywhere unconfirmed.[4] Archbishop Reynolds sought by provincial constitutions (1322) to remedy the "prevalent neglect of confirmation,"[5] but it is doubtful if they had much effect.

The large number of clerks in every diocese is sufficient evidence that the bishop's task of conferring orders was not neglected. The number of persons who received ordination is a surprise to all who examine the episcopal registers. Bishop Stapledon ordained 1005 persons at his first ordination, and 1427 in all during the first

---

[1] Wilkins, *Concilia*, II. 132, 293.

[2] *Ibid.*, I. 657.

[3] Peckham's *Reg.*, II. 479.

[4] Wilkins, *Concilia*, II. 556.

[5] *Ibid.*, II. 675.

year of his episcopate.[1] Simon Montecute, Bishop of Worcester, ordained 433 persons in 1334, and 1047 in 1336, a total in two years of 1480.[2] It would not seem strange to find so many entering the lower orders only, whereby they could claim benefit of clergy and at the same time live in many respects the life of an ordinary layman. But the lists for the higher orders are also surprisingly long. Bishop Giffard held over fifty ordinations between 1282 and 1302, and the number of seculars admitted to the three higher orders reached 5349.[3] This might be considered exceptional, owing to the mandate of the Council of Lyons (1274) that all beneficed clergy should obtain priest's orders or be deprived of their benefices, but an examination of Stapledon's ordinations, which occurred after that rule had been relaxed, gives similar results. Between 1308 and 1331 he ordained 770 subdeacons, 822 deacons and 791 priests.[4] Of these, 320 were regulars and 2063 seculars. Moreover, the register indicates those already beneficed, 296 in number, thus leaving over 1700 unprovided for at the time of their ordination. There were less than 700 benefices in the diocese of Exeter.[5] Adding thereto the chapels, private oratories and chantries and making allowance for the repetition of names in the ordination lists, there were still many more in higher orders than could hope to obtain clerical preferment.

Men could be admitted to the ranks of the clergy at any time or place by the bishop conferring the first tonsure. It was a regular part of the work done in

[1] Stapeldon's *Reg.*, 446.

[2] Nash, *History of Worcester*, I. p. xxxiii.

[3] Giffard's *Reg.*, pp. civ–cvi.

[4] These figures have been worked out from the lists given at the end of the register.

[5] Cutts, *Parish Priests*, 385.

visitation, Bishop Stapeldon conferring it at eleven places between April and September on his round in 1318.[1] The higher orders must be conferred by a bishop, but by papal privilege, a priest, as in case of abbots, could admit to the lower orders and confer the tonsure.[2] For the seven orders there were regular ordination days, the Saturdays of the four ember weeks, Saturday before Passion Sunday, and Holy Saturday.[3] In accordance with the *Pontificale Romana*, the tonsure was first conferred, then at the end of the first lesson the *ostiarii* or doorkeepers were ordained, after the second lesson the lectors, after the third the exorcists, after the fourth the acolytes, and after the fifth the subdeacons. The deacons were ordained at the end of the epistle, and the priests before the last verse of the tract.[4] To confer the higher orders, those of subdeacon, deacon, and priest, the bishop was required to be in full pontificals. He was usually assisted in the ceremony by the archdeacon who presented to him the candidates of each class in turn. In some cases this right was claimed by others, as at Worcester where the precentor appealed to the pope against the bishop in that he had been denied his privilege of proclaiming those taking orders and calling on those ordained to retire.[5] In the bishop's ordination lists those ordained are classified under the orders of acolyte, subdeacon, deacon and priest, with no mention of the re-

---

[1] Stapeldon's *Reg.*, 554, 555.

[2] The abbot of Malmesbury was granted this power by the pope. Wilkins, *Concilia*, III. 142.

[3] *Pontificale Romana.*

[4] *Pontificale Romana.* For variations in the Sarum and other English pontificals, see Maskell, *Monumenta Ritualia*, II. 155–236.

[5] Giffard's *Reg.*, 347.

maining orders. The bishop could confer the four minor orders on the same person in one day, although he could not confer on him a minor and a higher order, or two higher orders.[1] It is quite certain that the minor orders, that of acolyte excepted, had fallen into disuse. Their names were retained and the clergy required to pass through them, but this was probably done at one ordination.

No person could receive orders without an examination. For the first tonsure the candidate had to know how to read and have an elementary knowledge of the Christian belief.[2] A more rigid examination was required for the higher orders. The decretals provided that all candidates should present themselves on the Wednesday before ordination and be examined for three days as to their character, learning, and, above all, "if they firmly grasped the Catholic faith and could express it in simple language."[3] In many cases the ordination lists are so long that we can be sure the test was not very thorough. The *Pupilla oculi*—a manual for the use of priests written in 1385 by John de Burgh, chancellor of the University of Cambridge,—stated that examinations ought not to be made too stiff, for perfection was not to be expected.[4] The same work specified the age at which men could be admitted to the different orders. Priests ought to be over twenty-four, deacons over nineteen, and for the subdeaconate and four lower orders they ought to be at least eighteen.[5] From Bishop

---

[1] Wilkins, *Concilia*, II. 53; Lyndwood, *Provinciale*, lib. V. tit. II.

[2] *Pontificale Romana.*

[3] c. 5, D. XXIV. *Igitur per tres dies continuos diligenter examinentur, et sie sabbato qui probati sunt episcopo represententur.*

[4] Maskell, *Monumenta Ritualia*, II. p. CV.

[5] *Ibid*, II, p. CXVIII.

Grandisson we learn that outside pressure was brought to bear upon a bishop to induce him to grant ordination. He stated that in the past many deficient in age, learning, and character had struggled through the letters and entreaty of noblemen to be ordained *in onerosa multitudine . . . Predecessores nostros plus debito fatigando ipsos inquietos reddendo*, and commanded that in future no one was to obtain a letter asking for ordination, but those qualified for orders were to present themselves five or six days before the Saturday fixed for the ceremony and be examined.[1] Examination was generally conducted by the archdeacon but at times the bishop appointed special commissioners for that purpose.[2] He could, and sometimes did, examine the candidates himself.[3]

Servile status, illegitimate birth, or bodily defects were bars to ordination. The bishop often removed the first in case of promising sons of his own tenants by manumitting them.[4] He could dispense with illegitimacy for the lower orders; for the higher a papal dispensation was required.[5] However, the pope, as a mark of favor, sometimes granted an indult to a bishop to dispense for a certain number of illegitimates. After the Black Death this was especially called for by the lack of clergy. Grandisson, for example, received a license to dispense for forty persons in 1349 and again for twenty in 1352.[6] The fact that the Church was trying to enforce the celibacy of the clergy when public opinion was

---

[1] Grandisson's *Reg.*, 384.
[2] Lyndwood, *Provinciale*, 33; Stapeldon's *Reg.*, 462, 503.
[3] Wykeham's *Reg.*, I. 294.
[4] Grandisson's *Reg.*, 542, 1085.
[5] c. I in 6, I. II.
[6] Grandisson's *Reg.*, 147, 150.

not in sympathy with it, helps to account for the great number of illegitimates.

After the Latern Council of 1179, the bishop who ordained to the higher orders anyone who had not a sufficient guarantee that he could maintain himself, was required to support him.[1] Hence we not infrequently find bishops granting pensions until the clerks ordained by them can find benefices.[2] Bishop Giffard required a certain chaplain to take oath before witnesses that he would never call him to account for promoting him to holy orders without a title.[3] The executors of a certain bishop were required by Archbishop Winchelesey to support a clerk who had been ordained by the bishop without a sufficient title, and afterwards became mutilated and incapacitated for work.[4] In 1307, the pope released the bishop of Worcester from the obligation of providing with benefices the large number of clerks ordained by his predecessor, Godfrey Giffard.[5] Sometimes bishops were deceived by clerks who obtained a grant of title from some noble or wealthy person on condition that they would not ask to have it carried out after ordination.[6]

The number seeking orders was frequently too great for the bishop to attend to, and he granted "letters dimissory" allowing the candidate to be ordained by any other bishop. The difficulty of obtaining orders at times is illustrated by an entry in Wykeham's register. Twenty men, footsore and weary, came one December

---

[1] Wilkins, *Concilia*, I. 506.
[2] *Reg. Pal. Dun.*, 25; Drokensford's *Reg.*, 92.
[3] Giffard's *Reg.*, 99.
[4] Cutts, *Parish Priests*, 144.
[5] *Papal Letters*, II. 26.
[6] Shrewsbury's *Reg.*, 131; Stapeldon's *Reg.*, 179.

day, 1379, all the way from Exeter to be ordained by the bishop at his manor of East Horseley in Surrey. But the bishop had not expected to hold an ordination and had obtained no license from the bishop of Winchester. So "feeling sorry because of their great trouble and expense," he examined them and gave them letters dismissory.[1] The extent to which such letters were given varied greatly; Bishop Bronescombe granted only nine during his episcopate, while Bishop Stapeldon granted 261.[2] The clerk who received ordination from another bishop without obtaining a letter dimissory was debarred from holding any living until dispensed by his own bishop.[3]

Dedication of churches and consecration of altars and cemeteries also pertained to the episcopal office. The presence of the bishop at the place dedicated or consecrated was necessary, and as in case of confirmation the ceremony was doubtless often left undone for a considerable time. Cardinal Otho found many churches in England undedicated, and in his constitutions ordered that it should in every case take place within one year after the church had been built.[4] Archbishop Peckham wrote to the official of the bishop of Chichester that in visiting the diocese he had found many churches not yet consecrated.[5] We find record in the registers of fines for holding services in undedicated churches. Drokensford's contains a model letter for use throughout the diocese, in which rectors are to be fined ten shillings for

---

[1] Wykeham's *Reg.*, I. 294.

[2] Bronescombe's *Reg.*, 286–297; Stapeldon's *Reg.*, 536–543.

[3] Bronescombe's *Reg.*, 222; Grandisson's *Reg.*, 355, 507, 657.

[4] Wilkins, *Concilia*, I. 650.

[5] Peckham's *Reg.*, II. 951.

officiating in undedicated places.[1] The bishop performed the ceremony when on his visitation tours, Bronescombe dedicating twenty-one churches in about thirty days on his first visitation of Cornwall.[2] During July and August, 1336, Grandisson consecrated fourteen altars.[3] The *Pontificale* describes the ceremony of consecration and the costume of the bishop. A regular tariff was customary for the service; five marks for the dedication of a church, and forty shillings for the dedication of an altar, was the usual fee. Grandisson (1352) cited the canons of the collegiate church of Bosham to appear before him in that he had dedicated an altar for them and they had refused to pay the forty shillings within forty days.[4]

If in any way blood was spilled in a church or cemetery, it became polluted and had to be reconciled by the bishop who sprinkled consecrated water on the desecrated places. From the constant use of churches and cemeteries for divers purposes, and the fact that fugitives fled there for sanctuary, it resulted that this ceremony had often to be performed. No service could be held under heavy penalties until the reconciliation had taken place. When Stapeldon went to reconcile the priory of Bodwin, defiled two years previously by a quarrel between a monk and a secular clerk in which blood had been spilled, he found that the monks had been celebrating service during all that time, and fined them twenty pounds.[5] The parishioners of a certain church in Worcester diocese, wishing to escape as long as possible the

---

[1] Drokensford's *Reg.*, 127.
[2] Bronescombe's *Reg.*, 65–67.
[3] Grandisson's *Reg.*, 812–822.
[4] *Ibid.*, 1126.
[5] Stapeldon's *Reg.*, 51.

cost of reconciliation, did not ask for it, but closed up their church and attended neighboring churches and chapels. But the rectors and chaplains of the latter were promptly ordered to send them home whenever they came.[1] The expense of reconciliation was doubtless a sufficient consideration to prevent much violence and bloodshed that would otherwise have occurred. Still, the ceremony of reconciliation was performed often enough for the fees to prove a considerable part of the bishop's income from spiritualities. The pope having granted (1341) an indult to the prior and subprior of Worcester to reconcile churches and cemeteries in the diocese, the succeeding pope amended it by restricting the privilege to times when the bishop was out of his diocese, stating that the episcopal income was largely dependent upon reconciliation.[2] At Exeter and Durham the charge was five marks.[3] The bishop often had difficulty in collecting it, and occasionally was compelled to lay the church under an interdict.[4] It was very troublesome and often impossible for a bishop to go off to any part of his diocese whenever a church or cemetery might chance to need reconciliation. Consequently, we find many papal dispensations allowing reconciliation by deputy for a term of years.[5] Priests, abbots, or canons then performed the ceremony with water previously blessed by the bishop. However, in serious cases the bishop was expected to perform the office, even if he possessed a dispensation. Commissions of inquiry were accordingly issued to investigate whether the pol-

[1] *Reg. Sede Vacante*, 348.

[2] *Papal Letters*, III. 571.

[3] *Reg. Pal. Dun.* 120; Grandisson's *Reg.*, 836.

[4] *Reg. Pal. Dun.*, 160; Grandisson's *Reg.*, 688.

[5] *Papal Letters*, I. 612, *et passim*. Twelve such dispensations are recorded for the first half of the fourteenth century.

lution was "serious, slight, or moderate," "whether it was done with knives, fists, arms, or stones," etcetera.[1]

The duties of a bishop pertaining to his order were so fundamental in the Catholic church that there was little variety in the manner of performing them. While the exercise of almost all his jurisdictional rights gave rise to controversies with ecclesiastics above and below him, as well as with lay authorities, and the final settlement was usually a compromise, these powers were exercised from one century to the next without change or development, and with almost no variation in the different dioceses.

This completes the survey of the bishop's diocesan work. One point comes out clearly, a relatively large part was of a secular character and is to-day performed by the civil authorities. The statement made in the introduction may be repeated at the close, namely, that the bishop was a governor of a petty state. A dependent state, of course, but rather because he was in the last resort subordinate to the pope, and at the mercy of the royal power, than because he did not under ordinary circumstances exercise all the powers of a ruler.

Another conspicuous fact is the completeness with which most bishops of the period under discussion kept track of all diocesan matters. At times practically all their tasks were performed by assistants, and some of them were always delegated, but they never allowed any of them to pass out of their control. The nearest approach to this was the judicial work of the official, and an attempt has been made to show that even in his case the bishop frequently and informally interfered and transferred causes to other judges or to his own hearing. Langland, Wycliffe and the poets and preachers of the

[1] Grandisson's *Reg.*, 769.

later fourteenth century who complained that bishops did not do their duty, referred more particularly to those of their own time, although they would not have hesitated to include the whole century. But these reformers, in their intense religious enthusiasm, had a new idea of duty which would limit bishops to their spiritual offices. It was not so much that bishops (with some exceptions) neglected their diocesan work, as that a different conception of the episcopal office had arisen, a conception which condemned much of that work as worldly, and laid the whole emphasis upon the strictly religious duties.

BIBLIOGRAPHY.

SOURCES.

EPISCOPAL REGISTERS.

Bath and Wells:

DROKENSFORD'S REGISTER (1309–1329). Ed. E. Hobhouse. Somerset Record Society Publications. 1887.

REGISTRUM RADULPHI DE SALOPIA (1329–1363). Ed. T. J. Holmes. Somerset Record Society Publications. 1895–1896.

Coventry and Litchfield:

NORBURY'S REGISTER (1322–1358). Abstract of contents by E. Hobhouse. Staffordshire Historical Collections 1880.

Durham:

REGISTRUM PALATINUM DUNELMENSE (1311–1316, 1338–1343). Ed. T. D. Hardy. Rolls Series.

Exeter: Ed. J. Hingeston-Randolph.

BRONESCOMBE, QUIVIL AND BYTTON'S REGISTERS (1257–1307). Exeter, 1889.

STAPELDON'S REGISTER (1307–1326). Exeter, 1892.

GRANDISSON'S REGISTER (1327–1369). Exeter, 1894–1900.

STAFFORD'S REGISTER (1395–1419). Exeter, 1896.

Winchester:

SANDALE AND ASSERIO'S REGISTERS (1316–1323). Ed. F. J. Baigent. Hampshire Record Society Publications. 1897.

WYKEHAM'S REGISTER (1366–1404). Ed. T. F. Kirby, Hampshire Record Society Publications. 1896–1899.

Worcester:

GIFFARD'S REGISTER (1268–1302). Ed. J. Willis Bund, Worcestershire Historical Society Publications. 1898–1902.

REGISTRUM SEDE VACANTE (1301–1435). Ed. J. Willis Bund. Worcestershire Historical Society Publications. 1893–1897.

CHRONICLES AND LETTERS.

Anglia Sacra. Ed. Henry Wharton, London, 1691.
Annales Monastici. Ed. H. R. Luard. Rolls Series.
Chronicon Abbatiae Eveshamensis. Ed. W. Macray. Rolls Series.
Chronicon Angliae (1328–1388). Ed. E. M. Thompson. Rolls Series.
Chronicon A. Murimuth et R. de Avesbury. Ed. E. M. Thompson. Rolls Series.
Chronicles of Edward I. and Edward II. Ed. William Stubbs. Rolls Series.
Chronica Majora Matthaei Parisiensis. Ed. H. R. Luard. Rolls Series.
Chronicon Henrici Knighton. Ed. J. R. Lumby. Rolls Series.
Thomae Walsingham Historia Anglicana. Ed. H. T. Riley. Rolls Series.
Historiae Dunelmensis Scriptores Tres. Ed. J. Raine, Surtees Society Publications. 1839.
Historia et Cartularium Monasterii Gloucestriae. Ed. W. Hart. Rolls Series.
Historians of the Church of York and its Archbishops. Ed. J. Raine. Rolls Series.
William De Dene Historia Roffensis in Wharton's Anglia Sacra.
Polychronicon Ranulphi Higden. Ed. J. R. Lumby. Rolls Series.
Ypodigma Neustrae A Thoma Walsingham. Ed. J. T. Riley. Rolls Series.
Calendar of Papal Letters. Ed. W. Bliss. English State Papers.
Historical Papers and Letters from the Northern Registers. Ed. J. Raine. Rolls Series.
Roberti Grosseteste Epistolae. Ed. H. R. Luard. Rolls Series.
Literae Cantuariensis. Ed. J. Sheppard. Rolls Series.
Reg. Epistolarum J. Peckham Archiepiscopi Cantuarensis. Ed. C. Martin. Rolls Series.

LEGAL SOURCES, ECCLESIASTICAL AND SECULAR.

Statutes of the Realm. Ed. Record Commission. London. 1810–1828.

Rymer's Foedera. Hague ed. 1745.

Rotuli Parliamentorum. Official ed. 1783.

Bracton, De Legibus Angliae. Ed. T. Twiss. Rolls Series.

Corpus Juris Canonici. Ed. Friedberg. 1881.

Sacrosancta Concilia. Ed. Labbe. Paris. 1671.

Concilia Magnae Britanniae et Hiberniae. Ed. D. Wilkins. London. 1737.

Lyndwood, Provinciale. Oxford. 1679.

Monumemta Ritualia Ecclesiae Anglicanae. Ed. W. Maskell. Oxford. 1882.

Lincoln Cathedral Statutes. Ed. Bradshaw and Wordsworth. Cambridge. 1892–1897.

Wells Cathedral Documents. Ed. H. Reynolds. Leeds. 1881.

Depositions and Ecclesiastical Proceedings from the Courts of Durham. Ed. J. Raine. Surtees Society Publications. 1845.

Ripon Chapter Acts. Ed. J. Fowler. Surtees Society Publications. 1874.

FINANCIAL DOCUMENTS.

Taxatio Ecclesiastica Angliae et Walliae, auctoriate P. Nicholas IV. Ed. Record Commission. 1802.

Valor Ecclesiasticus, temp. Henry VIII. Ed. Record Commission. 1810–1834.

Account of the Executors of Richard, Bishop of London, and Thomas, Bishop of Exeter. Ed. Hale and Ellacombe. Camden Society Publications. 1874.

Household Roll of Bishop Swinfield. Ed. J. Webb. Camden Society Publications. 1853–1855.

SECONDARY WRITERS.

Benson, Edward White. The Cathedral. London. 1878.

Beresford, W. Lichfield. S. P. C. K. London.

Campbell, John. Lives of the Chancellors. London. 1868.

Capes, W. Wolf. History of the English Church in the Fourteenth and Fifteenth Centuries. London. 1900.

CUTTS, EDWARD P. Parish Priests and their People in the Middle Ages in England. London. 1898.

DANSEY, WILLIAM. Horae Decanicae Rurales. London. 1844.

FOURNIER. Les officialités au moyen age. Paris. 1880.

GREA, M. ADRIEN. Essai historique sur les archidiacres. Bibliothéque de l'Ecole des Chartes. 1851.

HINSCHIUS, PAUL. Das Kirchenrecht der Katholiken und Protestanten in Deutschland. Berlin. 1869–1895.

HOOK, W. T. Lives of the Archbishops of Canterbury. London. 1865–1867.

JENSON, O. 'Denarius Sancti Petri,' in England. Royal Historical Society Transactions. 1901.

JONES, H. Salisbury. London. 1880.

LAPSLEY, GAILLARD. The County Palatine of Durham. New York. 1900.

LEA, H. C. History of Auricular Confession and Indulgences in the Latin Church. Philadelphia. 1896.

LOW, J. Durham. London. 1881.

MAITLAND, FREDERIC W. Roman Canon Law in the Church of England. London. 1898.

MAKOWER, FELIX. Constitutional History and Constitution of the Church of England. London. 1895.

NASH, THOMAS. History of Worcestershire. London. 1781.

OLIVER, GEORGE. Lives of the Bishops of Exeter. Exeter. 1861.

ORMSBY, G. York. S. P. C. K. London.

POLLOCK AND MAITLAND. History of English Law before the Time of Edward I. Cambridge. 1895.

SMITH, G. Worcester. London. 1883.

STUBBS, WILLIAM. Constitutional History of England. Oxford. 1897.

STUBBS, WILLIAM. Registrum Sacrum Anglicanum. Oxford, 1897.

STUBBS, WILLIAM. An account of the courts which have exercised ecclesiastical jurisdiction in England. Ecclesiastical Courts Commission Report. London. 1883.

TREVELYAN, GEORGE. England in the Age of Wycliffe. London. 1900.